

1 PARK RAPIDS - MARCH 12, 2014 - 11:00 A.M.

2
3 INFORMATION AND SCOPING MEETING FOR THE
4 MINNESOTA PUBLIC UTILITIES COMMISSION
5 AND
6 MINNESOTA DEPARTMENT OF COMMERCE
7
8

9 In the Matter of the Application of North Dakota
10 Pipeline Company, LLC for a Pipeline
Routing Permit for the Sandpiper Pipeline Project

11 MPUC DOCKET NO. PL-6668/PPL-13-474
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14 Park Rapids Armory
15 203 Park Avenue South
16 Park Rapids, Minnesota
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1 MS. TRACY SMETANA: Good morning,
2 everyone. If you could please find a seat we'll get
3 started in a couple minutes. Thank you.

4 Good morning, everyone, and thank you
5 very much for coming. I'm Tracy Smetana with the
6 Minnesota Public Utilities Commission.

7 UNIDENTIFIED: We can't hear you.

8 MS. TRACY SMETANA: Is that better?

9 UNIDENTIFIED: Yes.

10 MS. TRACY SMETANA: Excellent. So we'll
11 try that again.

12 Good morning and thank you for coming.
13 I'm Tracy Smetana with the Minnesota Public
14 Utilities Commission and we are here for the public
15 information meeting for the proposed Sandpiper
16 Pipeline route.

17 A brief agenda of what we'll be going
18 over this morning. We'll start off with the
19 introduction. We'll move into some information
20 about the roles of various agencies and the process.
21 We'll ask the company to provide some information
22 about their proposed project. We'll ask the
23 Department of Commerce to talk about the
24 environmental analysis process. And then finally
25 we'll open it up for the main event today, and that

1 is your comments and questions.

2 So I always like to start out with a
3 little introduction about who is the Public
4 Utilities Commission, because I suspect that many
5 folks haven't had any experience with us in the past
6 and don't really know who we are.

7 We are a state agency, we regulate
8 permitting for power plants, transmission lines,
9 local and in-state long-distance telephone
10 companies. We also deal with rates and services for
11 investor-owned electric and natural gas utility
12 companies.

13 We have five Commissioners that are
14 appointed by the governor. And they serve staggered
15 terms, so they're not all -- we don't get a whole
16 new batch every time we get a new governor. So we
17 have some that are appointed by our current governor
18 and some appointed by governors past. It is
19 full-time employment for our Commissioners so
20 they're there 40 hours a week just like the rest of
21 us. And we have about 50 staff that provide
22 assistance with the regulating process.

23 So a little bit more about who's who as
24 we work through this pipeline proposal. There's
25 some various terms and various folks that play a

1 part that you might interact with or hear about if
2 you're following this project.

3 So the first is the applicant. That's
4 the term that we use for the company asking for the
5 certificate of need and the pipeline route permit.
6 So in this case it's North Dakota Pipeline Company.

7 The Department of Commerce is another
8 state agency that plays a role in the Commission's
9 process. And there's sort of two different arms of
10 Commerce that play a part here.

11 The first is the Energy Environmental
12 Review and Analysis group. You might see that
13 abbreviated as EERA. They are, as I said, a state
14 agency and they'll conduct the comparative
15 environmental analysis and Mr. Hartman is here today
16 to talk with you about that.

17 The other part of Commerce that plays a
18 part here is the Energy Regulation and Planning
19 group. They represent the public interest when
20 utilities ask to change their rates, services,
21 facilities and so on. So they do more of the
22 economic analysis.

23 Later on in the process we will ask the
24 Office of Administrative Hearings to get involved as
25 well. They're another state agency, they're

1 independent of the Public Utilities Commission and
2 the Department of Commerce. And they will assign an
3 administrative law judge, which you might see
4 abbreviated as ALJ, to this case. His job will be
5 to hold hearings, both public hearings and more
6 formal evidentiary hearings in the process, analyze
7 all of the facts in the record, ultimately write a
8 report for the Public Utilities Commission,
9 including recommendations about this project.

10 And at the Public Utilities Commission
11 there's two different folks that you may interact
12 with. The first is me, I'm the public advisor. My
13 job is to help you participate in the process, help
14 you understand where to get information, how to get
15 information, how to submit comments, when to submit
16 comments. I'm a neutral party, I'm not here to
17 advocate on anyone's behalf. I don't give legal
18 advice. I'm not an advocate.

19 The other part of the team at the
20 Commission is our energy facility planner. Their
21 job is to assist in building the record on the
22 technical side of things. So certainly questions of
23 a technical nature would be addressed best by this
24 person. But, again, Commission staff, we're all
25 neutral, we're not giving legal advice, we're not

1 advocating for any one party or position.

2 So in this particular case, the pipeline
3 project that the company has proposed does require a
4 certificate of need from the state of Minnesota.
5 That's because it's a large energy facility, it
6 transports petroleum. It's a pipeline with a
7 diameter of six inches or more with more than 50
8 miles in Minnesota. And there are some statutes and
9 rules that provide guidance on how the Commission is
10 to review that and I've included that information
11 here for those of you who are looking for some
12 really good bedtime reading.

13 This project also requires a route permit
14 from the State of Minnesota before it could be
15 built. That's because it has a diameter of six
16 inches or more and transports hazardous liquids and,
17 again, I've included the statute and rule citations
18 for your information.

19 So how does the Public Utilities
20 Commission decide on a route? First of all, the
21 Commission decides on the question of need. Is the
22 project needed. The second piece is if it's needed
23 where is it going to go. And so according to the
24 statutes and rules, these are the factors the
25 Commission has to consider when making the route

1 decision. To look at things like human settlement
2 and natural environment, archaeological and historic
3 resources, the economy, pipeline costs and
4 accessibility, use of existing rights-of-way,
5 cumulative effects of future construction, and also
6 want to make sure the project is in compliance with
7 local, state and federal regulations.

8 Now, what the rules and statutes don't do
9 is prioritize this list. So some folks might say at
10 whatever cost avoid human settlement. Other folks
11 might say at whatever cost, you know, protect the
12 natural environment. Sometimes those two things can
13 be at odds, so the Commissioners have to decide
14 which way we're going to go.

15 So if you like pictures, this is a chart
16 of how the process works. We're going to talk about
17 the certificate of need process first because, as I
18 said, first the question is is the project needed,
19 right. And so you can see application accepted is
20 the first box. And application accepted just means
21 that it meets the requirements for further review.
22 I know sometimes that term is confusing for people,
23 they say it's accepted, well, what are we doing
24 here, isn't it already decided? No, it's not.
25 Accepted just means that all the information

1 necessary to move on to the further review has been
2 received.

3 Now, this is the pipeline route permit
4 process. And you can see it looks pretty similar,
5 with the added bonus of the environmental review
6 over here. And so Mr. Hartman will be talking a
7 little bit more about submitting alternative routes
8 and what the environmental review process looks like
9 for this type of project.

10 You can also see we're very early on in
11 the process. We are in box number two of the public
12 information meetings. And so there are a number of
13 other steps that need to be taken before we get down
14 to that bottom box, the decision.

15 Along the way there are some
16 opportunities for folks to get involved. As I
17 mentioned earlier, an administrative law judge will
18 be involved in this process and will schedule public
19 hearings back up in this area down the road. Those
20 dates have not yet been set, but if you're on the
21 project mailing list or you subscribe on the e-mail
22 list, you'll receive information on that.

23 If you're a list person instead of a
24 picture person, this one is for you. So you can
25 see, again, here we are, the public information

1 meetings in March. And keep in mind, this is an
2 estimated timeline. As I said, these dates are not
3 carved in stone yet. The judge will establish most
4 of the schedule for us and so we haven't gotten to
5 that stage yet. But at this point we are
6 anticipating decisions on the route and the need in
7 January 2015.

8 And so this is just an example of when we
9 have what we call an open comment period. We will
10 send a notice, and so to some of you who have been
11 receiving information about this project already,
12 this might look familiar. This is one that has
13 already passed, but I wanted to use it as an example
14 so that I could point out some elements that you
15 want to look for if you receive one of these and you
16 want to make some comments.

17 So the first thing to note is what we
18 call the docket number. That's how we track
19 everything. Just like if you're an employer you
20 might have an employee I.D. and that's how you track
21 your employees, we track everything we do by this
22 docket number. So that's sort of the magic number
23 you want to know if you're communicating with our
24 office about this project, okay. And that will
25 always be listed on the notice.

1 The other thing you'll want to pay
2 attention to is the comment period, when does it
3 open and close. So if the comment comes in after
4 the period has closed, we've already moved on to
5 something else. So you want to make certain that
6 your comments are submitted during the time frame
7 that the comment period's open.

8 And the last piece you want to pay
9 attention to is the topics open for comment. Now,
10 if you think back to that flow chart, as we worked
11 through it there's various questions that we're
12 asking along the way. And at different points in
13 time we're going to want answers to different types
14 of questions.

15 So you can see this particular notice
16 from back in November, we were concerned with is the
17 application complete, have they submitted everything
18 they need so we can move along to the next step in
19 the process. And so those decisions have been made.
20 If somebody submits answers to these questions now,
21 they really can't be considered in that part of the
22 decision-making process.

23 So, again, one of the issues that we'll
24 be discussing today, Mr. Hartman will provide some
25 more detail around this, is submitting alternative

1 routes and route segments. The company has
2 submitted what they believe is the best route for
3 this project, but we do have a process where folks,
4 anyone, someone here sitting in the room, another
5 state agency, anyone who has an interest can submit
6 an alternative route or a route segment. And
7 there's some details about what information you have
8 to include in order to do that. And ultimately the
9 Public Utilities Commission will decide which of
10 those routes move forward for further study and
11 ultimately will be considered as options in this
12 process.

13 Now, if you're looking to get information
14 about the project after today there's a few
15 different ways you can do that. We have all of our
16 documents that are submitted in this project in what
17 we call our eDocket system. And any information
18 that is public information in that eDocket system,
19 you can go online and take a look at it any time you
20 like. And these are the instructions for how to do
21 that. And, again, you note the docket number is
22 sort of the key to finding that information.

23 We also maintain a project mailing list
24 where you would receive notices about meetings like
25 today, the public hearings, other sort of points of

1 interest along the way. And we have orange cards
2 here at the table when you came in if you'd like to
3 sign up for that.

4 Now, I know that there are many folks
5 that would like to receive a copy of everything that
6 comes in and so we do have an e-mail subscription
7 feature, and I suspect many of you are already
8 subscribing to this. If you already subscribed, you
9 don't also need to be on the orange card mailing
10 list, you'd be getting duplicates of information.
11 So these are the steps to subscribe to receive a
12 notice when anything new comes into this docket.

13 Now, for some folks that's information
14 overload. If you don't like e-mail it's probably
15 not the best choice for you. But the good news is
16 is if you subscribe and you decide it's too much you
17 can always unsubscribe as well. And this is just a
18 screenshot of what that subscribe page looks like
19 when you get to it. 'Cause I know some people have
20 said it's not super user-friendly, so I thought I'd
21 give you a little help on that.

22 And, again, at the Public Utilities
23 Commission there are two folks that you might
24 interact with. The first is me, I'm the public
25 advisor, Tracy Smetana. My contact information is

1 there. My counterpart, Mr. Scott Ek, is not here
2 today, but he is the energy facilities planner
3 working on this particular project.

4 And with that I'm going to turn it over
5 to the applicant.

6 MR. BARRY SIMONSON: Okay. Good day to
7 everybody. I hope everyone can hear me. I am Barry
8 Simonson and I work for Enbridge. I am the manager
9 of engineering and construction for the Sandpiper
10 Pipeline project.

11 The scope of work. Sandpiper is a
12 planned 616-mile pipeline project that begins in the
13 western portion of North Dakota around Tioga,
14 traverses easterly through North Dakota and on into
15 Clearbrook, Minnesota. From Clearbrook our
16 preferred route is to go south down through Park
17 Rapids where we are today, just south of here, and
18 then east all the way to Superior, Wisconsin.

19 From the start point in North Dakota, the
20 pipeline diameter is 24 inches. It's a .375-inch
21 wall thickness, predominantly, and it traverses
22 easterly to Clearbrook, the 24-inch the entire way,
23 which is around 375 miles.

24 Once we get to the border of North Dakota
25 to Clearbrook, there's 75 miles of 24-inch that's

1 part of that 375 miles. Now, once we get to
2 Clearbrook there will be a new terminal in
3 Clearbrook and there will be a change in diameter to
4 30-inch-diameter pipeline that will head south and
5 then east as described earlier. That pipeline will
6 have a predominant wall thickness of 0.469-inch wall
7 thickness, close to a half-inch wall.

8 In terms of construction. We're looking
9 to -- depending upon permits that are required,
10 we're looking to construct in the winter of 2014,
11 '15, as well as a predominant 2015 construction
12 season with an in-service date of Q1 of 2016.

13 In terms of what Tracy mentioned
14 previously, in terms of what the PUC looks at with
15 the routing. For the entire route through
16 Minnesota, which is about 275 miles, we're looking
17 at about a 75 percent collocation. What I mean by
18 that is we're either collocated with an Enbridge
19 asset pipeline or another utility company.

20 The total budget for this project is
21 around 2.6 billion, so it's a big undertaking by the
22 company.

23 Now we get into the more of the specific
24 routing in the state of Minnesota. From the border
25 of North Dakota-Minnesota to Clearbrook, we are

1 looking to collocate with our existing line 81,
2 which starts in North Dakota and heads to
3 Clearbrook.

4 From Clearbrook to Park Rapids we are,
5 and especially in Hubbard County, which is
6 important, we're 99 percent collocated with an
7 existing utility, which is a pipeline, a crude oil
8 pipeline company owned by MinnCan, Minnesota
9 Pipeline Company.

10 From Park Rapids heading east we are
11 trying to collocate with an existing power line, a
12 DC power line that heads east, and then at a point
13 in Aitkin County we're heading east and then
14 connecting back up with existing utilities on to the
15 Minnesota-Wisconsin border.

16 Now, what are the project benefits? You
17 can't see the whole topic here, but this is all
18 North Dakota crude oil. This is not tar sand oil,
19 it's crude oil that starts at the Bakken formation
20 in North Dakota. So it's offsetting imports from
21 countries that are unstable or unfriendly to U.S.
22 interests, which helps the nation's energy
23 independence.

24 During construction, we're looking at
25 various work with contractors, so there is a

1 potential for 1500 jobs that are created, that will
2 happen between 2014 and '15 and '16. And we look to
3 see that there will be local resources utilized
4 within this county as well as other counties in the
5 state of Minnesota. Whether it's local jobs,
6 whether it's resources, gravel, trucking, contract
7 resources, accommodations, gas, food, we look to see
8 that happening.

9 And in terms of taxes. We're looking at
10 in the past Enbridge has paid \$34 million in
11 Minnesota property taxes, and we expect to pay an
12 additional 25 million annually in Minnesota after
13 Sandpiper goes into service. And specifically
14 Hubbard County, we're looking at around \$5 million a
15 year when that comes in service in Q1 of 2016.

16 Now, what are our goals? Safety,
17 integrity, and respect. Safety being number one.
18 And that goes with how we design our pipeline, how
19 we construct it, and how we operate the pipeline.
20 And we invest in safe technology, we work with other
21 industries because the safety of our pipeline is
22 key. And we strive for fair and equitable
23 stakeholders.

24 Now, I see that we have a larger crowd
25 than the past three events, so I hope we'll have

1 some productive questions that we can answer that
2 are specific to Sandpiper.

3 Thank you for attending and I'll hand it
4 over to Mr. Hartman.

5 MR. LARRY HARTMAN: Thank you. Is it
6 working now?

7 Before I start, I'd like to make a few
8 announcements before we proceed today. To my right
9 we have a court reporter. Janet will be compiling
10 an oral record. She will be at all the meetings and
11 was at all the meetings last week.

12 Once the meetings are completed, we'll
13 receive an oral -- or a document from Janet which
14 we'll post on our website and eDockets. So it will
15 be a transcription, basically, of what's gone on at
16 all the public information meetings for this
17 project. Besides being on eDockets, it will also be
18 posted on our website. So if you are attending
19 other meetings, that's fine. If you'd like to find
20 out what's gone on at the other meetings and are
21 unable to attend, you'll be able to read the summary
22 that Janet has prepared, which will be available
23 probably sometime in early April, I would imagine.

24 This is just basically the schedule we've
25 kept so far. Regarding the meetings, we have one

1 tonight in Pine River then we finish up the meetings
2 in McGregor and Carlton.

3 As was mentioned earlier, the pipeline
4 permitting process was established by the Minnesota
5 Environmental Quality Board in 1998 -- or, excuse
6 me, 1988, when the rules were adopted. When the
7 rules were adopted the board also approved the rules
8 as an alternative form of environmental review. And
9 I'll explain that in a little bit more detail later
10 on.

11 As part of that process we have a series
12 of scoping or public information meetings. There's
13 two rounds of that, actually, the second one
14 precedes the public hearings.

15 The first round of public information
16 meetings is basically to present information about
17 the project, the permitting process, and it's also
18 an opportunity for us to explain to you how the
19 permitting process works. And it's also an
20 opportunity for us to hear what your comments and
21 concerns are.

22 Again, as Tracy indicated, comments are
23 due by April 4th. That's 4:30, it's a Friday.
24 That's also for route proposals too. They can be
25 submitted by e-mail, by fax. You can also go to our

1 website and you can submit comments electronically
2 through our website. And that's part of the -- it's
3 listed in the PowerPoint presentation and I'll talk
4 a little bit more about that later on also.

5 It's also an opportunity for you to
6 propose additional routes and/or route segments,
7 which would be an alternative to what Enbridge has
8 proposed. You can also suggest specific impacts to
9 be evaluated in the comparative environmental
10 assessment also. And we did receive a number of
11 comments about a number of different issues last
12 week also. Again, those will be summarized and
13 posted also.

14 A person desiring that a particular route
15 be considered needs to submit that to me and that
16 needs to be done by April 4th also. If you want to
17 submit something, it helps to put it on a map or a
18 photo, a USGS map, a plat book map, a highway map,
19 and just basically try to identify it. If you fax
20 it to me I want to caution you on one thing. There
21 are maps in the back of the room that Casey Nelson
22 will pull for you. Casey is also with the Minnesota
23 Department of Commerce staff, EERA staff. Casey is
24 right over there, waving her hand. So if you want a
25 detailed aerial photo or a USGS map they should be

1 available from her in the back of the room.

2 If you decide to fax it in to me, please
3 remember that it's a color map, if you fax it to me
4 with a route on it it's going to show up as black
5 and white and I probably won't be able to read it,
6 which means I'll need to contact you and ask you to
7 resubmit it in a format that I can work with.

8 Again, what we do is, after that deadline
9 comes in, and I've had a number of suggestions so
10 far, I've received numerous e-mails with opinions,
11 comments, suggestions also. Once it goes in, we'll
12 go through and we'll evaluate all the route
13 proposals. And I'll try to go through that rather
14 briefly here so we can get to your questions.

15 We should go to the next slide. This is
16 an example of a transmission line route that is in
17 the southwest metro area of the Twin Cities. The
18 line in kind of purple, I guess, reddish, was what
19 the applicant proposed. Through the alternate route
20 permitting process -- not the alternate route
21 permitting, but the alternative route proposal
22 process, two other alternatives were identified.
23 This is similar to the type of information we are
24 looking for. It doesn't have to be as detailed as
25 that, the more detailed it is the more helpful it is

1 also.

2 We have the guidance document in the back
3 of the room that gives you some guidance in how to
4 make a proposal. And on the back of that guidance
5 document we've also listed the criteria that the
6 Commission reviews in making a decision as to
7 whether to consider a route and carry it forward to
8 the public hearing.

9 Between now and April 4th, if you have
10 any questions on how to make a route proposal,
11 please contact me or Casey at your convenience.

12 I'd encourage you, if you're a landowner,
13 to work with your neighbors, if you'd like to work
14 together to make a proposal also.

15 This is just kind of an example. If you
16 would like to submit something in writing that's
17 important reasons, I won't go through it and read
18 it, it's in the PowerPoint, but just give us some
19 sound reasons why you think it's a viable proposal.
20 If we go through and we do an evaluation, we go
21 through all the route and route segments received,
22 if we feel it's lacking a little bit of information
23 we might contact you to request additional
24 information. Again, a lot of it might be based on
25 just what your opinion is.

1 Once those are -- once they come in,
2 we'll go through and evaluate them. We'll compile
3 them, I don't know in what way. We'll then present
4 them to the Public Utilities Commission and then the
5 Commission will make the ultimate determination as
6 to which route or route segments go forward for the
7 contested case hearing.

8 In previous projects, we have had a
9 number of alternatives. I don't know that any were
10 rejected. On one project we did have a proposal
11 which was fairly significant which was rejected
12 because it went through the core of the metropolitan
13 area and there just physically was no room to
14 install another pipeline.

15 If there are issues or impacts you'd like
16 to see considered in the environmental analysis, we
17 also have comment sheets back there you can fill
18 out. I'd encourage you to take sheets or multiple
19 copies of the sheet. You can put your comments on
20 those, fold it, tape it shut, and it's postage
21 prepaid and has my address on it so it will come to
22 me. You can also submit those electronically also.

23 Types of issues. Methods of soil
24 separation. And, again, this is not meant to be
25 comprehensive or inclusive, it's just examples. So

1 if you're concerned, if you're a farmer and you're
2 concerned about impact on soils, there are methods
3 of soil separation. This is outlined in the
4 appendix, one of the appendices in the application
5 submitted by Enbridge for the agricultural
6 mitigation plan.

7 Drain tile repair, soil compaction,
8 organic farmlands, irrigation systems, crop losses,
9 proposed land use plans, residential, industrial,
10 natural resource features, rural water systems,
11 roads. Stream and river crossings, wetlands,
12 clearing of vegetation, wildlife, cultural
13 resources.

14 The Commission then, once they receive
15 our package, staff over there will go through that,
16 they may make additions or modifications to it.
17 Then it'll be scheduled for a Commission meeting.
18 The Commission would then determine what routes
19 would be considered at the ALJ hearing to be held
20 probably sometime this fall.

21 After the Commission makes that
22 determination, we would then begin preparation of
23 the comparative environmental analysis to address
24 the issues raised at the public information
25 meetings.

1 I'll take questions when I'm done, okay?

2 UNIDENTIFIED: Can you slow down a little
3 bit so we can read?

4 MR. LARRY HARTMAN: Oh, sure. It's in
5 the PowerPoint presentation also. I was just trying
6 to be brief so we can get to the questions.

7 So that would start, we'll engage a
8 third-party consultant to assist us with that. And
9 basically it's a written document that will evaluate
10 the route proposals and especially impacts and
11 mitigation procedures or mitigation requirements for
12 the project to minimize impacts.

13 Again, as Tracy mentioned, the hearings
14 will be presided over by an administrative law
15 judge. And as long as I'm mentioning that, there
16 will be a prehearing conference next Monday,
17 March 17th, in the PUC's large hearing room in
18 St. Paul.

19 The hearings will be this fall, once the
20 comparative analysis is available, to present
21 testimony and evidence in the record that will be
22 used by the administrative law judge in preparation
23 of his report.

24 There are also a number of state agencies
25 that have downstream jurisdiction for large energy

1 projects, and they will probably be participating in
2 this process also. The Department of Commerce,
3 which is where I work, I'm on the EERA staff. DNR
4 would be participating. They issue licenses for
5 crossing of public lands and waters. And I believe
6 there's a representative from DNR here today, Nathan
7 Kessler. I don't know if you're here, Nathan?
8 Nathan is back there.

9 Minnesota Pollution Control Agency also
10 issues permits for stormwater runoff, water
11 discharge permits. Minnesota Department of Health,
12 there's setbacks from water wells for pipelines.
13 The Minnesota Department of Agriculture is
14 responsible for issuance or preparation or
15 authorization of the agricultural mitigation and
16 protection plan. And Bob Patton, who is with the
17 Minnesota Department of Agriculture, is back over
18 there. And Bob will be at the meetings tonight and
19 tomorrow also.

20 And Minnesota Department of
21 Transportation issues permits for road crossings,
22 state highways. Counties, townships also have
23 responsibility for issuing permits for
24 infrastructure also, which includes ditches.

25 The Minnesota Department of -- excuse me.

1 The Minnesota Department of Public Safety has an
2 Office of Pipeline Safety and they are an authorized
3 agent of the federal Pipeline and Hazardous
4 Materials Safety division, and they are an
5 authorized inspector for both interstate and
6 intrastate pipelines, both liquid as well as product
7 lines also.

8 By statute, the Commission is prohibited
9 from making safety-related decisions; however, some
10 issues are perhaps environmental as well as safety
11 and we try to kind of be careful about that.

12 This is our website where I work. And on
13 our website you'll find basically the primary
14 documents we produce. We have the applicant's
15 application reposted, as of February 15th, I
16 believe. And they've updated their application.
17 We've broken that application down by the table of
18 contents and we've also included all the route
19 permits or all the maps in their application,
20 they're broken down by county, by township, and by
21 milepost with file sizes. For those of you who
22 might have limited Internet access, some of the file
23 sizes are typically between four and eight megabytes
24 just so you have an idea.

25 Again, if you need copies of maps and you

1 don't get them back here today, I'd encourage you to
2 go to our website. Typically they're eight by 17,
3 you can probably reduce the size, but those maps are
4 there.

5 Also, the application has been
6 distributed on CDs to a number of the libraries, all
7 township clerks, county auditors and others also
8 have that and will make it available. I believe --
9 are there applications back there on CD-ROMs?

10 MR. JOHN GASELE: Some are.

11 MR. LARRY HARTMAN: Some are, okay. They
12 are also available from the company on request.

13 Again, if you want to submit comments,
14 you can do it by mail. Again, we've got comment
15 sheets back there, e-mail, fax, vis-a-vis our
16 website. That is also in the PowerPoint. I have
17 business cards back there at the table. If you are
18 busy during the day and can't get ahold of me, I do
19 have a cell phone number on there. Please feel free
20 to contact me at your convenience if you do have any
21 questions.

22 And with that, I will wrap up my
23 presentation. And we'd probably like to start with
24 comments.

25 Now, again, as I've mentioned, Janet is

1 here to make an oral summary of what's being said,
2 so please, when you come up, please sit at the
3 chair, speak into the microphone, spell your name
4 for the court reporter, and try to speak slowly and
5 clearly so everyone else can hear you.

6 I might just go on and mention a few
7 other things also. Tracy had mentioned there are
8 two dockets. 13-473 is the certificate of need
9 docket. Some of the comments that have come in that
10 might be meant for me have been going to that
11 docket. I get copied on that docket also. 13-474
12 is the primary docket number for the route permit
13 proceedings. That's the docket number that I pay
14 the most attention to.

15 There are also some other things
16 regarding pipelines that I'd like to mention.
17 Minnesota, I don't know when, or I don't recall the
18 year right offhand, but the federal regulations for
19 the part of the pipelines have a minimum burial
20 depth of 36 inches from the top of the pipe to the
21 top of the ground. In Minnesota we have our own law
22 which requires a depth of 54 inches unless it's
23 waived by the landowner. That applies to all
24 farmland, it applies to drainage ditches and all
25 roads also. If there are any ditching plans, future

1 plans, that's always helpful to convey information
2 like that because the pipeline will go below the
3 ditch line and future ditch lines also.

4 The Federal Office of Pipeline Safety has
5 the basic overall jurisdiction. Their authorization
6 is in the Code of Federal Regulations, Title 49,
7 parts 195 for liquid lines, 192 for gas lines.

8 Again, as I mentioned, there will be a
9 prehearing conference March 17th that will be
10 convened by the ALJ. We have had a number of
11 parties intervene. I checked this morning, we had a
12 couple other parties who have intervened since
13 yesterday. I think Honor the Earth is one, and I
14 don't remember the name of the other one at this
15 point in time.

16 With that, I'll conclude my initial
17 remarks and we'd like to open up to questions.
18 There was a speaker card you could fill out back
19 there. What I'd like to do is call on some of those
20 people first who might have other commitments, at
21 least one person does that I'm aware of. And other
22 than that you can raise your hands. For those
23 groups who have been kind of coming to all the
24 meetings, I'd like to ask you to defer your
25 questions until people who haven't participated

1 before have an opportunity to ask their questions.

2 So, with that, what I'd like to do is
3 call on the first person I have a card for and that
4 would be Bob Merritt.

5 UNIDENTIFIED: Where do I get a card?

6 MR. LARRY HARTMAN: They're back by the
7 desk.

8 MR. BOB MERRITT: Good morning. My name
9 is Bob Merritt.

10 I have provided you with three documents
11 that are basically the same, are all the same except
12 for the one does not have my testimony that I intend
13 to read to you.

14 The reason I provided you with that
15 information is that there are some figures that I
16 would be referring to during my testimony and I
17 would like to have you review those while I talk so
18 you understand what I'm saying.

19 UNIDENTIFIED: We can't hear you.

20 MR. BOB MERRITT: Perhaps it's easier if
21 I hold onto it.

22 I have a bachelor's degree in geology and
23 a master's degree in hydrology. I'm a licensed
24 Minnesota Professional Geologist. I worked for the
25 Minnesota Department of Natural Resources for 32 and

1 a half years as an area hydrologist. A part of that
2 area is exactly this particular area that we're
3 talking about today at the hearing in Park Rapids.

4 First I want to identify a problem that I
5 encountered in a primary review of this project. As
6 a retired person I wanted to have some input in this
7 process. I requested the geographic information
8 systems or GIS layers that shows the proposed
9 pipeline alignment. I was denied that information
10 based upon the fact that Enbridge has identified
11 that as work product information that is exempt from
12 the Freedom of Information Act. Yet all existing
13 pipelines now are still identified in paper and
14 digital form on USGS maps as Minnesota county maps.

15 Additionally, with GPS units available
16 today, it's quite easy to map public utilities such
17 as pipelines and processing plants. To withhold
18 crucial information from my review hampered my
19 analysis. I'm still unsure of the exact alignment
20 and had to approximate it on the maps.

21 To me, it is ludicrous for a company to
22 invoke protection by exemption of the Freedom of
23 Information Act under these circumstances. They are
24 withholding crucial information for review with no
25 reason other than to hamper the review by the

1 public.

2 There are three major studies of the
3 glacial outwash plain comprising the Straight River
4 basin and the surrounding area. They are Helgesen,
5 1977, Groundwater Appraisal of the Pineland Sands
6 Area, Central Minnesota, by USGS Water-Resources
7 Investigation Report. Stark, Armstrong and
8 Zwillling, 1994, Stream-Aquifer Interactions in the
9 Straight River Area, Becker and Hubbard Counties,
10 USGS Water-Resources Investigation Report 94-4009.
11 And the reports by the Department of Natural
12 Resources authored by Greg Kruse and J. Frischman in
13 2002, Surface Water and Groundwater Interaction and
14 Thermal Changes in the Straight River in North
15 Central Minnesota.

16 I was the main DNR person who identified
17 the initial concerns leading to the Stark study. I
18 participated in both Stark's and the Minnesota
19 Department of Natural Resources' investigation. It
20 was my prime responsibility as the local hydrologist
21 and to provide the local participation.

22 Helgesen and Stark described the geology
23 of this area. Basically it is the intersection of
24 at least three glacial lobes that ended in the area.
25 That is shown in the Figure 3 by Stark, which is

1 included in your packet. Glacial outwash is the
2 result of glacial materials running off during
3 glacial melting and retreat, forming sand and gravel
4 fans interspaced with lake clay materials formed
5 when lakes existed within the area.

6 The outcome is a series of three primary
7 aquifers, which are shown as generalized format in
8 Stark's Figure 2. Stark's figure is generalized and
9 does not entirely represent the aquifer
10 configurations. The top aquifer is surficial and
11 open to the atmosphere. The two lower aquifers are
12 separated by clayey layers, but the layers are thin
13 and aquifers interfinger causing interchange between
14 them. There is substantial evidence that the
15 aquifers are hydraulically connected and water moves
16 both upward and downward.

17 Because of their high degree of
18 permeability, allowing rapid infiltration and
19 movement, glacial outwash aquifers are some of the
20 geologic environments most susceptible to
21 contamination.

22 Helgesen estimated the aquifer
23 groundwater hydraulic conductivities, a measure of
24 the groundwater movement, between 320 and 630 feet
25 per day. This is a rapid degree of groundwater

1 movement. Stark postulated that this area's
2 groundwater movement is even greater than other
3 similar aquifers within the state.

4 The area is covered with high-capacity
5 irrigation wells, which cause cones of depression,
6 altering flow paths and moving substantial water
7 towards the systems. I have shown in my map the GIS
8 2010 aerial photo, it identifies the numerous
9 irrigation wells through which the pipeline, I am
10 led to believe, is going. I also have included in
11 that map locations of other wells that can be
12 impacted. And there are a number of aquifer -- a
13 number of wells within this aquifer, in all three of
14 them.

15 Helgesen and Stark published
16 potentiometric ^ ? Word seems to refer to electrical
17 voltage maps of the surficial aquifer, Helgesen
18 Figure 7 and Stark's Figure 15. I supplemented
19 Helgesen's map and interpreted Stark's map to
20 identify flow paths. They are in red arrows. I
21 would appreciate it if you would take a look at
22 those. They are particularly important for the very
23 reason it shows the directions of flows of the
24 groundwater movement from where a leak may occur
25 from that pipeline. It shows that there is rapid --

1 or there is movement towards a designated trout
2 stream, probably the premier trout stream within
3 northwestern Minnesota, and it flows to Park Rapids,
4 it flows to the potato plant, and it flows and can
5 impact every well down gradient of this pipeline.

6 Water rapidly flows from the aquifer to
7 the Straight River. The river deems at least half
8 its flow from this aquifer. The hills to the north
9 in the sand plain, which is called the Itasca Lobe
10 end moraine. And the groundwater moraine and the
11 ground moraine provides about 25 percent of the
12 recharge to this aquifer. This is likely even a
13 greater percentage closer to the Itasca moraine end
14 in the Park Rapids area. A pipeline leak in the
15 Itasca end moraine will end up flowing to Park
16 Rapids.

17 Leaks within the aquifer with either --
18 will either end up in the Straight River or move
19 towards Park Rapids and the potato plant locations.
20 High-capacity pumping of these facilities along with
21 irrigation wells near and down gradient of a spill
22 or leakage has significant potential to incorporate
23 petroleum products into the aquifer. Irrigation of
24 the contaminated water will result in agricultural
25 field contamination.

1 A leak along any portion of the pipeline
2 from the Itasca moraine north to the outwash sand
3 plain through the entire plain has the potential to
4 rapidly and permanently contaminate the aquifer.
5 The surficial aquifer has the highest potential, but
6 as noted earlier, all of the aquifers are
7 interconnected. As a result, contamination of all
8 the aquifers is a possibility. Once petroleum
9 attaches to the sand and gravel grains, it is
10 virtually impossible to remove the product. Each
11 time rain, snowmelt or irrigation infiltrates
12 through the aquifer, petroleum will be mobilized,
13 causing ongoing contamination.

14 The surficial aquifer is used for
15 irrigation and water supply. Surrounding wells
16 already have high nitrates from the irrigation
17 because of the high infiltration rates. Though
18 nitrate application through the irrigation systems
19 has been greatly improved by application only during
20 the time plants require the nutrient, a Department
21 of Agriculture study showed that approximately 60
22 percent of the nitrate was lost because of rapid
23 infiltration. Once the nitrate passes through the
24 root zone, it ends up in the surficial aquifer.

25 Because of nitrate contamination, Park

1 Rapids will have to replace their water supply
2 wells. Osage had to do it in the past. Perham has
3 had similar problems; it is the same geological
4 conditions. Petroleum will even be more damaging,
5 causing loss of water supplies to individuals and
6 communities down gradient of the leak. Straight
7 River, the most important trout stream in
8 northwestern Minnesota, could also be severely
9 impacted due to petroleum contamination.

10 I urge you to reconsider this alignment
11 and restrict pipelines within highly sensitive
12 geologic areas such as this. At the very least, I
13 urge delay of your decision to allow further
14 analysis with accurate data, freely supplied by
15 Enbridge, rather than being held in tight
16 protection.

17 Part of the fact that I have included
18 information that is contained in the reports that I
19 referenced at first is to back up the support -- to
20 support my testimony to you today.

21 I appreciate it and thank you very much.

22 MR. LARRY HARTMAN: I should have
23 announced earlier, and it's my fault, there's also a
24 representative here from the Corps of Engineers
25 today, Bob Behr (phonetic). Bob, I don't know --

1 MR. BILL BEHR: Bill.

2 MR. LARRY HARTMAN: Or Bill, I'm sorry.
3 He's right back there. And I had also mentioned we
4 have a court reporter here, she needs a break after
5 an hour and a half, so around 12:30 we'll take a
6 short break.

7 MR. BOB MERRITT: If you can give me your
8 e-mail address, I'll be more than --

9 UNIDENTIFIED: We can't hear.

10 MR. LARRY HARTMAN: He wants my e-mail
11 address, and it's on the business card you can pick
12 up in the back, and it's on the last slide in the
13 PowerPoint also. Thank you.

14 The next card I have is for Richard
15 Smith.

16 MR. RICHARD SMITH: My name is Richard
17 Smith. Hopefully you don't have a problem spelling
18 that one.

19 Mr. Hartman and Tracy, and the folks at
20 Enbridge, thank you for setting up this chance to --
21 is the mic on?

22 MR. LARRY HARTMAN: Take the mic out of
23 the stand.

24 UNIDENTIFIED: Hold onto it.

25 MR. RICHARD SMITH: How is this?

1 UNIDENTIFIED: Better.

2 MR. RICHARD SMITH: Sorry about that.

3 I'm here today for a couple reasons. One
4 is to voice my objections to this particular
5 proposed route of this pipeline, and the other is to
6 stand up for the people that aren't currently here.

7 There's a number of folks in the
8 community that feel that a good number of people
9 that live in Hubbard County who are gone at this
10 time of year are not being fairly represented. And
11 we have been asking those folks and folks that are
12 still here and organizations to write or e-mail the
13 PUC to ask for an extension of the public comment
14 period into August 1st.

15 Primarily we're doing that because,
16 although the Enbridge folks have been planning this
17 for years, a lot of the news that's coming out about
18 the project is reasonably recent. And it's a huge
19 project, there's a lot of information for lay people
20 to learn and digest and find expert opinion about it
21 and consider the project.

22 And when I say that, I mean even last
23 week we found out that the Enbridge company wants to
24 revamp their line 3, which is in the northern
25 corridor, it kind of follows Highway 2. And part of

1 that revamp project may mean that they will reroute
2 a section alongside the Sandpiper Pipeline route.

3 So we think because of some of these late
4 news announcements that people need more time to
5 consider the project. The public, our lands, our
6 waters, and our livelihoods can be greatly affected
7 by this and we think we need a little bit more time.

8 I'm not -- I will say, I have family that
9 live out in the Bakken and they do have a well on
10 their farmland so I'm not against pipelines per se.
11 But I do have some very serious concerns about this
12 particular pipeline and the route.

13 Hubbard County is famous for a couple
14 things. Really one is our waters. We are the
15 headwaters for the Mississippi River, one of the
16 world's greatest rivers. And within 25 miles of
17 Park Rapids there are over 400 lakes, some are the
18 clearest and cleanest in the state. That means
19 tourism. Tourism brings in about \$30 million
20 annually and supports around 5,300 jobs in this
21 area.

22 Secondly, and maybe not too many people
23 know this, but one of the other things we're famous
24 for is potatoes. Our farmers grow some of the best
25 potatoes in the world. They're so good that

1 McDonald's wants them in their french fries. That
2 also means jobs.

3 But the community's largest employer is
4 Lamb Weston/RD0, a potato processing plant outside
5 of town. And they have about 500 employees and
6 annual revenues approaching \$500 million. What
7 grows those potatoes? What grows those potatoes are
8 the sandy soils that we have in the Straight River
9 aquifer. Every year this community pumps out about
10 eight billion gallons of water to grow those
11 potatoes and also provide drinking water to Park
12 Rapids. And as Bob Merritt mentioned, that aquifer
13 also supplies great water to the Straight River, one
14 of the state's best brown trout streams.

15 So I'm actually shocked that our
16 politicians and bureaucrats are even considering
17 this area as a viable location to split with an oil
18 pipeline or possibly two pipelines. Especially a
19 pipeline built by a company that has kind of a
20 dubious spill record recently, within the last four
21 or five years. That our bureaucrats and politicians
22 would weigh this as a benefit, just a few short
23 months of construction dollars, against the
24 long-term environmental and economic health of this
25 community and the county is short-term thinking at

1 best.

2 I would also think that the fact that
3 they're considering putting a pipeline through some
4 of Minnesota's best waters without demanding a
5 comprehensive environmental impact statement by the
6 proper state and federal agencies responsible for
7 land, waters and wildlife is a joke.

8 I'd like to -- I just brought a little
9 prop up here so people can have an idea of what's
10 going to happen. This is approximately the size of
11 the pipeline that's going into our county. This is
12 32 inches, so I'll give Enbridge a credit, you know,
13 their line is going to be slightly smaller than
14 this. So, now, imagine boring a hole underneath the
15 Mississippi River large enough to hold this?

16 Now, I don't know if everybody can see
17 it, but in the center I put a little black dot.
18 It's about a quarter inch, maybe, in size. Why I
19 put that dot there, there's a farmer out in North
20 Dakota who last fall was walking in his wheat field
21 and discovered an oil leak. That was 865,000
22 gallons of oil dumped onto his wheat field that's
23 about the size of seven football fields. Now, that
24 pipeline was only nine inches in diameter, it might
25 have been six. His name is Steve Jensen. And, by

1 the way, they're waiting for the spring thaw to
2 finish cleaning that up.

3 So, now, I'll give Enbridge credit, it
4 wasn't their pipeline. The pipeline was built by
5 British Petroleum 20 years ago. That's the same BP
6 that is famous for the Gulf of Mexico.

7 Until the North Dakota spill, Enbridge
8 had claimed the largest spill in our continental
9 U.S., and that's was over an area of Kalamazoo,
10 Michigan, where one of their pipelines ruptured and
11 left 840,000 gallons of tar sands oil into Talmadge
12 Creek, which is a tributary of the Kalamazoo River.
13 That, along with some severe weather, left that oil
14 stain in a stretch of 35 miles of the river. 35
15 miles is Park Rapids to Wadena. 35 miles is Itasca
16 State Park almost to Bemidji in the Mississippi
17 River.

18 Now, based on Enbridge's own statistics
19 that they printed in this brochure, which I happened
20 to pick up at the county auditor's office -- it's a
21 very nice brochure -- they admit that they're not
22 100 percent safe. You know, they bought a real big
23 ad in the Park Rapids Enterprise stating that
24 they're 99.9993 percent safe. That much percentage
25 of their oil that they push through pipelines stays

1 in the pipe.

2 So I got to thinking about that, and
3 based on the figures that Enbridge has told us that
4 how much they want to pump through the Sandpiper
5 pipeline, every day they want to move past the town
6 of Park Rapids 375,000 barrels. Now, that's kind of
7 weird 'cause most of us lay people, we don't really
8 know how big a barrel is. A barrel is 42 gallons.
9 That means 15,750,000 gallons of oil are going to be
10 passing through Hubbard County and through the
11 Straight River aquifer, past our lakes, every day.
12 Now, based on their arithmetic, that means that 110
13 gallons will leak from that pipeline every day.
14 Now, that doesn't seem very much, that's kind of a
15 drop in the bucket when you think about 15 million.

16 So the question I had for the folks at
17 Enbridge is how soon do you know you're missing that
18 110 gallons? When you put it in at point A and take
19 it out at point B, how soon does that happen? The
20 valve system that you put on the pipeline, I've
21 heard 15 valves, I've heard 13 valves. Do they
22 measure the quantity of oil going past those points?

23 And I'm wondering how long it will take
24 the company to find out if that 110 gallons is
25 missing? Will it be a couple hours or a couple days

1 or will it be two weeks?

2 Now, they've told us that every two weeks
3 they're going to visually inspect the pipeline,
4 they're going to fly a plane or a helicopter over
5 the route looking for oil leaks. What if there's
6 snow on the ground? That's about five months a year
7 around here.

8 The other question I had about that is if
9 they don't see it, will the landowner have to find
10 it? Will he have to be a Steve Jensen and see that
11 oil? And if he does find it, is he going to be --
12 he or she going to be liable for that oil that's on
13 that ground?

14 The other question I had about that is
15 what if this 110 gallons is over in the Straight
16 River aquifer? A nice sandy, porous soil that might
17 just absorb the oil and disperse it rather than
18 allowing that oil to rise to the surface where we
19 can actually see it.

20 Now, I know that 110 gallons doesn't
21 sound very much to you guys 'cause you're putting
22 over 15 million through there every day. But I kind
23 of got to wondering, you know, let's -- if that 110
24 gallons is in the aquifer and ends up in the Park
25 Rapids water system, when mom gives a glass of water

1 to her kids in the morning, you know, would you want
2 your child to be drinking that? And to think about
3 your kids that are going to Park Rapids schools and
4 are lining up at the fountain after recess.

5 The other part of that is that oil --
6 potatoes are an interesting product. Because it's a
7 tuber it's very absorptive. And there's a pretty
8 decent chance that those potatoes grown out there
9 are going to get irrigated with water that might
10 have oil contamination and therefore suck up that
11 oil. So when you're stopping at the McDonald's up
12 at the corner of 34 and 71, you know, how about some
13 oil with those french fries?

14 So what I'm saying is I think the
15 community and the county has a lot to consider here.
16 And that's my argument for perhaps finding a better
17 place to put this route and not through the heart of
18 our best and cleanest lakes.

19 But also to give the people who aren't
20 here right now who enjoy those lakes, most of them
21 live on those lakes during the summertime, more time
22 to consider every aspect of this project.

23 Thank you for listening. Thank you,
24 Mr. Hartman. Thank you, Ms. Smetana.

25 MR. LARRY HARTMAN: The next speaker I'd

1 like to call on is Dewane Morgan.

2 MR. DEWANE MORGAN: I'm going to stand up
3 because if I sit down I might not get up again.

4 My name is Dewane Morgan, that's
5 D-E-W-A-N-E, Morgan, M-O-R-G-A-N. I live in
6 Straight River Township, which is about seven miles
7 as the crow flies southwest of here.

8 Back in 1972, I had a farm out there, and
9 I was helping one of the neighbors put up hay. And
10 there was -- it looked like an old logging trail
11 with a deer run running up through the woods and I
12 asked what that was. And he explained to me that
13 years ago a pipeline had been put in there. So that
14 pipeline was probably originally put in there in the
15 early 1960s, late 1950s, okay. And there was no
16 markers or anything, it was a game trail running
17 through the woods.

18 About ten years later they came through
19 and took out some trees and put in another line.
20 And I was renting land there and had cattle out
21 there, so the owner of the land that got money from
22 the -- from the company putting in the pipeline for
23 redoing the land, seeding it back down, so I seeded
24 that back down. And now, within a couple years
25 later there was another line coming in that went

1 through -- just nothing through the woods to the
2 tree lines. And back here in '08 there was another
3 line put in. So there's four lines running through
4 there.

5 One time I asked one of the foreman who
6 was putting through one of the lines, I said why do
7 you keep putting in more lines? And he says, well,
8 you can store a lot of oil in a 24-inch pipe running
9 across the country. So this was some guy from
10 Oklahoma. He didn't live around here, he was just
11 getting paid to do his work.

12 So the question I ask, back in this
13 state, 1959, 1960, what were the environment
14 standards at that time, for that line original line
15 to be put in? I don't even think there was any. I
16 mean, that's the question you have to ask. And then
17 with each of these lines getting piggybacked onto an
18 original existing line to me is ecological suicide.

19 And I don't see why this line can't be
20 moved somewhere else, and the three, four lines that
21 are in the ground now be sealed off and rerouted in
22 a more permanent way for energy needs for the
23 future. Because buckling down on them doesn't make
24 it.

25 And so I'm asking you to re -- you've

1 heard testimony from experts on the -- on the sand,
2 how sensitive it is around here, it's a sand plain,
3 and I'm saying take that line and move it. Take a
4 long-term view of what you're planning. Okay?

5 Because there's money being thrown around
6 here to manipulate people's thinking, and there's
7 money being thrown around to put in -- I mean, one
8 point -- what is it, over a billion dollars to put
9 in a line? That's not chump change, okay? So if
10 you're going to spend money at that, and I have no
11 problems with somebody making a profit, but if
12 you're going to make a profit, make it in an
13 environmentally sound way.

14 And that's my comments. Thank you.

15 MR. LARRY HARTMAN: The next card I have
16 is for John Hitchcock.

17 MR. JOHN HITCHCOCK: My name is John
18 Hitchcock, it's H-I-T-C-H-C-O-C-K.

19 And the last speaker mentioned the energy
20 needs in the United States for the future, and that
21 is a legitimate concern. My question is, and I know
22 that Enbridge is only the transport company, but
23 what do we know of the shipper's intentions to
24 export a significant portion of the oil that is
25 being transported? In other words, are we being

1 in headwaters country. This is truly headwaters
2 country here. There's more rivers that start right
3 here than anywhere else in the state.

4 The first fur traders called this
5 country, the French, a tour of terror, hate the
6 land, because so many rivers started here. And the
7 first indigenous people that lived here, they called
8 them the mazebe idium (phonetic), the great man of
9 the Mississippi. This is the sacred river of life,
10 the Mississippi River here. And this river defines
11 not only Indian people, it defines all of us white
12 people that live here. There's nothing more that we
13 find a treasure as the headwaters. And there's over
14 2,000 miles of Mississippi, but the first 40 miles
15 of this river, from the rocks at Itasca Park to the
16 Mississippi Headwater State Forest to Beltrami
17 County Road 7, is the last remaining 40 miles of
18 wilderness left on the entire 2,500 miles of the
19 Mississippi River.

20 When we were fighting to keep a bunch of
21 ATVs out of the state forest some years ago, I went
22 to Eco Services and asked them for some information
23 about the river. And I got a whole list of
24 endangered and threatened species and species of
25 special concern, plants and animals. And for

1 somebody who thinks, well, the Mississippi is all
2 developed here, you haven't been on the headwaters
3 on a summer day when a breeze is flowing through the
4 jack pines and they're talking to you and the water
5 is gin clear. And there's wolves, ma' iingan, the
6 suckers are running in the river, the warblers are
7 coming down, all the muscles ^ mussels?, all the
8 plants, the endangered plant species that are
9 unique. Some that are only found in the
10 northeastern part of this county. In the
11 Mississippi Headwaters State Park they talk about
12 the ram's head orchid. We're imperilling all of
13 that. I know there's already a pipeline going
14 through there, but that's one too many right now.
15 We don't need any more. This river is so special
16 that it defines us as a people.

17 And I spent I -- I grew up on the river
18 in a canoe. And, I mean, if an oil spill was to
19 happen there, and I was all ready to talk about this
20 video I seen of the Kalamazoo River where they're
21 wading through oil. If that happened to this river
22 right here, the Mississippi -- and it isn't just the
23 Mississippi. Another major river starts here, the
24 Crow Wing River, which is just as important to us
25 and the native peoples. These are all major fur

1 trading routes. And then when you ask where is the
2 best wild ricing, where can I go for the best wild
3 ricing in the solar system? We're standing on it
4 right now. The wild rice is a sacred plant to
5 native people. And I live a semi-subsistent life, I
6 depend on it myself.

7 And the Mississippi River itself would be
8 -- all these rivers in this area that were created
9 in these glacial tunnel beds. And when you get on
10 the Mississippi, when you go down and you get a
11 straight stretch of fast water, it opens up in this
12 great big field of aquatic plants, rice and hay
13 grass and cat fields. And it's a big reservoir.
14 Then you get in another straight shot. And it's
15 over and over and over like that in the first 50, 60
16 miles of the river all the way to Bemidji. And the
17 big, flat open marshes, when you get into them it's
18 like some big oats field out in North Dakota, it's
19 rice and other aquatic plants, and they'll hold that
20 oil there. It's going to settle in them big open
21 wetlands.

22 And it's going to have -- when you look
23 at a map, it isn't like the river starts here and
24 it's a straight shot down to the Gulf of Mexico. It
25 starts flowing north and it goes through Bemidji.

1 And if you look at it on a map, headwaters, we're
2 encircled by that great river of life. It's like
3 the crook on a shepherd's staff. It's going to
4 affect communities, not just Bemidji and Grand
5 Rapids and Cass Lake, but the Twin Cities and even
6 further down river.

7 This is the wrong place to put this
8 pipeline. The pipeline should be going south of the
9 headwaters country here where there aren't these
10 precious rivers and lakes and streams.

11 UNIDENTIFIED: Exactly.

12 MR. BARRY BABCOCK: So I know that when I
13 opened this up talking about magissi (phonetic) you
14 probably think that's preposterous, but it's no more
15 preposterous to me than to thinking that the
16 Minnesota Environmental Protection Act that was
17 created so ordinary people like us can have input in
18 these projects has been totally canned. It's not
19 available to us. We're dependent on the Public
20 Utilities Commission. And no offense, but you
21 haven't got a good track record in all of these
22 projects. And I don't think it should be -- I'm
23 saying don't put it north, put it south. Don't put
24 it through Leech Lake. I live near Leech Lake and I
25 worked with the Leech Lake four or five years ago on

1 the Enbridge pipeline and the transmission lines
2 that went through there, they've been punished
3 enough by this stuff. It needs to go outside of
4 lake country, it needs to go somewhere where it's
5 not going to damage our lakes and our rivers because
6 there's not much of this country left.

7 I'm in my mid 60s, I've lived here most
8 of my life, I've seen how this has transformed and
9 how we've lost these special places that we have
10 here in our back yards. It's time to draw a line in
11 the sand. We're not giving up to industry anymore.
12 Twenty, 30 years from now oil will have less value
13 than water. And we're paying all this money and
14 imperilling these things and damaging them and we're
15 not going to yield overnight. So I say gawee
16 (phonetic)^ gaawiin, no pipeline.

17 MR. LARRY HARTMAN: It's 12:30, it's time
18 for a break for the court reporter. So why don't we
19 break for about 10 minutes or so and reconvene, I've
20 got 12:28, so how about 12:40.

21 I'll be here if you have questions of me
22 during the break. Enbridge representatives are
23 available if you have questions of them also. And
24 there are other agency representatives here you may
25 want to talk to if you have the opportunity.

1 (Break taken from 12:28 to 12:48.)

2 MR. LARRY HARTMAN: Mick Ryan. I don't
3 see Mick. I'll just defer and call the next card.
4 Ken Duncanson.

5 MR. KEN DUNCANSON: I'm not sure about
6 the time constraints, but I'll do my best.

7 My name is Ken Duncanson. I was born in
8 Bemidji, I graduated from the school across the
9 street here. Some of you might have trouble
10 believing that, but I did. And I'm supposed to be
11 retired. I'm 70 years old. However, I've, for 47
12 years, operated heavy equipment, including some time
13 spent putting in for Northern Pipeline natural gas
14 lines, and not just in the Minnesota area, so I know
15 a little bit about digging amongst utilities,
16 et cetera.

17 I don't consider myself a professional on
18 anything with the exception of I am a professional
19 driver. I currently drive motor coaches and busses
20 transporting people on the North Dakota oil fields,
21 primarily dealing with people from Hess and
22 Halliburton.

23 Because I'm interested in what I am
24 seeing and so forth, I ask questions and I try and
25 learn. There is a great deal of misinformation in

1 both North Dakota and Minnesota concerning the oil
2 industry.

3 Did you know that the Hess plant in
4 Tioga, North Dakota is just now firing up from a
5 huge expansion? And then if it is successful and
6 produces the way that it is supposed to that it will
7 be the largest facility in North America and
8 probably the world for some products? They operate
9 with safety being utmost on their mind.

10 I know because I haul 300 people a day,
11 myself and my fellow drivers, for some time when
12 that plant was being handed on to. I also move
13 Halliburton people. As a matter of fact, last
14 Monday morning I moved with a Greyhound type bus, a
15 charter with Halliburton people. I do that every
16 Monday. And I visit with those people, usually it's
17 a crew of 14 people. I also transport them out to
18 their well sites and they are extremely interested
19 in safety.

20 As far as pollution, they have a little
21 plastic stand to put their cigarette butts in
22 because they don't want to leave cigarette butts on
23 the job site.

24 Concerning the oil leak in Tioga, that's
25 about seven miles or so from the village of Tioga

1 and it's the largest oil spill in North Dakota
2 history. It was a 20-year-old, as has already been
3 stated, six-inch line. The leak was discovered
4 somewhat late because that particular line didn't
5 have detection devices that the modern lines do
6 have, and because of the size it's different
7 regulations.

8 The mitigation for that spill is ongoing.
9 Because the ground is frozen in North Dakota just
10 like it is here, there is a limit to what you can
11 do. Everything has been done that could be done
12 before that cold blast in November. And they dug
13 down and put trenches in and filled it with rock and
14 have ways of getting the oil out so it isn't
15 polluting the whole area like some people would have
16 you believe. They have a tremendous safety record
17 out there.

18 And in the newspapers here they have had
19 articles stating how dangerous it is for oil and
20 they ramble back and forth between different
21 subjects with very little knowledge concerning any
22 of them.

23 I do not profess to be a professional on
24 any of this, but I do know that just because they
25 put a pipeline in, death to our water systems is not

1 imminent. They have modern ways, smart pigs,
2 et cetera, that you need to study and find out
3 about, and detection systems. And these gentlemen
4 right here can probably answer your questions as to
5 how frequently they monitor the oil that's going
6 through the pipe and can determine the loss.

7 And because they make money legitimately
8 by transporting oil and other products, they don't
9 want to have their customers ask questions as to why
10 the oil isn't getting to the end of the pipe.
11 They're interested in it reaching its destination,
12 extremely so. They also care about our environment
13 here.

14 I've lived here all my life. However, I
15 just bought a canoe. We enjoy the water of the
16 lakes here and we enjoy the beauty and the pristine
17 water and I have every confidence that it's going to
18 remain that way for years to come.

19 To address the issue, unless you rode a
20 horse here, you used something to get here that
21 burns petroleum. I have the receipt for when I
22 fueled that motor coach in North Dakota because I
23 haven't turned it in yet. It says that I put 49
24 point something or other gallons of oil, diesel fuel
25 in that bus to transport people. Oil is a fact of

1 life.

2 I think we should be proud that the state
3 next to us has billions and billions of dollars of
4 industry, with a profit to some of the people
5 producing it, to help supply our nation's needs.
6 And I don't believe that we're shipping it all
7 overseas. And if there is some going overseas, part
8 of the reason is because people have gathered in
9 large groups and objected to refineries being built
10 so that we don't have the refining capacity close.
11 It's just a teaspoonful compared to gallons out
12 there in North Dakota for refining capacity. So
13 then that means you have to move the oil to
14 someplace where they can refine it and then we get
15 it back to use in our vehicles.

16 There is a great deal of information,
17 misinformation even, in our local paper concerning
18 the fracking process out there. There was a
19 question asked about the chemicals being used,
20 et cetera. I've talked to an individual from
21 Halliburton, most of those chemicals being used are
22 food grain. If you understand what that means, is
23 that you could eat that. The reason being, in an
24 accident --

25 UNIDENTIFIED: Oh, God.

1 MR. KEN DUNCANSON: The reason being, in
2 an accident, which will occur occasionally, they
3 don't want to pollute the water, they are interested
4 in that. There is, in front of the Tioga museum, a
5 water tank. It was horse-drawn. The reason is
6 because in a great large part of North Dakota, the
7 water wasn't fit to drink when the covered wagons
8 went through here, so they had to haul their water
9 for some distance. A great deal comes out of the
10 Missouri River to the tune of millions of gallons a
11 day to service communities, not just in Williston,
12 but 40, 50 miles away with water. It hasn't been
13 fit to drink for years.

14 Part of it is because of natural salt.
15 Everybody here has seen a little blue carton in the
16 grocery stores of Morton salt. There was a company
17 out in North Dakota in the Williston area that
18 produced salt because of a layer of salt, that's
19 where the salt water comes from when the guys are
20 transporting water tankers.

21 As to the argument as to whether or not
22 we need pipelines, it's the safest way to transport
23 oil that there is. And part of that is a personal
24 experience. One morning, last fall or summer, it
25 was extremely foggy to the point where I didn't feel

1 I could safely drive my bus and the people I was
2 responsible for at more than 20 miles an hour.
3 Witnesses say that a truck belonging to Triangle ran
4 into a tanker full of crude oil one mile east of
5 Stanley, North Dakota. There is at this point a
6 sign there, a memorial, it says Dave, Tyler and
7 Patrick. Witnesses say that that truck was moving
8 at more than 70 miles an hour, which is the posted
9 speed limit. I couldn't see my hood ornament on the
10 bus and they were dragging 70 miles an hour and they
11 crashed into a crude truck. It burned, they died.

12 Casselton, North Dakota, I drive by every
13 time I make the trip. I have not stopped to look at
14 the site, but there was a train derailment there and
15 it involved crude oil cars. There was a fire. And
16 I don't care what kind of tank car you build, if you
17 derail a train there is likely to be an oil spill.

18 A pipeline is the safest way to move oil.
19 And leaks, as far as leaks, it's a reportable
20 incident. If you start hanging out facts and
21 figures, it's a reportable incident if somebody
22 spills a gallon of drinking water out of one of
23 those tankers. There are different types of water
24 trucks. There's salt tankers, there's flow-back
25 tankers, there's fresh water tankers, which is what

1 I just said.

2 A small trucking company that I worked
3 for for about a month and a half in North Dakota had
4 to report an incident because we spilled a gallon of
5 drinkable water, potable water, out of the hose in
6 the back of this truck. That's an incident. Part
7 of those facts and figures, supposed, that deny that
8 100 percent safety record, which really is not
9 attainable, would be a one-gallon fresh water spill.

10 UNIDENTIFIED: No.

11 MR. KEN DUNCANSON: It is. I can give
12 you the name and phone number of the fellow that
13 spilled a gallon of water.

14 MR. LARRY HARTMAN: Ken, could we -- are
15 you about done?

16 MR. KEN DUNCANSON: I'm about done.

17 I apologize for rambling back and forth
18 over different subjects, but the newspaper has been
19 printing stuff that has little basis in fact and
20 doesn't concern the pipeline.

21 I appreciate the attendance and I
22 appreciate your attention.

23 MR. LARRY HARTMAN: The next speaker
24 card, Mick Ryan. Is Mr. Ryan here?

25 Lowell Schellack. Schellack?

1 MR. LOWELL SCHELLACK: I'm going to sit
2 down. My name is Lowell Schellack. The first name
3 is Lowell, L-O-W-E-L-L, the last name is Schellack,
4 it's spelled S-C-H-E-L-L-A-C-K.

5 As I said, my name is Lowell Schellack,
6 and my wife and I live on Hay Creek in Arago
7 Township, Hubbard County. Hay Creek is a tributary
8 of Island Lake, which is about a mile -- Hay Creek
9 is a tributary of Island Lake. Island Lake is about
10 a mile below our house. Island Lake flows into
11 Eagle Lake. Eagle Lake flows into Potato Lake.
12 Potato Lake flows into Fish Hook Lake. And the Fish
13 Hook River exits Crooked Lake and flows through Park
14 Rapids. The proposed Sandpiper Pipeline crosses one
15 mile above my house on Hay Creek.

16 I have a question and I would like to
17 have an answer. My question is two parts. What is
18 the statistical probability of a leak or a spill in
19 the Sandpiper Pipeline? And the second part is, is
20 it possible there could be a major leak of oil into
21 Hay Creek? I don't know who to direct this to, but
22 I would like somebody to address that.

23 MR. JOHN GASELE: Hi, Lowell. Well,
24 sorry, the microphone was a little louder than I
25 expected there.

1 My name is John Gasele, I'm an attorney
2 that's helping North Dakota Pipeline Company with
3 the application process. We didn't have a moment to
4 introduce our panel here at the beginning.

5 Just to give everybody a bit of
6 background as to why we're here today. North Dakota
7 Pipeline Company brought out the folks that are
8 responsible for the design, construction, and
9 operation of the pipeline. Because this is a
10 scoping meeting, it's a chance for us to find out
11 what the public is interested in having included in
12 the environmental review process, find out your
13 comments, hear your concerns, point you to
14 information in the application if we can.

15 With that said, I can pass the microphone
16 down. I don't know that there's going to be an
17 exact statistic to give you, but we can certainly
18 pass the microphone down to the folks here. Just so
19 folks know, this is a scoping process, so we're
20 really here to gather your comments and find out
21 what you would like to have included in the
22 environmental review process as this moves ahead.

23 As both Larry and Tracy said in the very
24 beginning, this is the very beginning of the
25 process. It's not the spot where we're stating the

1 merits of the project or we're doing anything other
2 than really gathering information about what would
3 be reviewed as the process moves ahead. So, with
4 that, I will pass the microphone down.

5 MR. BARRY SIMONSON: There we go. It's
6 on.

7 I can answer, since I manage engineering
8 and construction I can tell you a little bit about
9 what we do in order to make sure that our pipeline
10 is designed and constructed to high standards.

11 In terms of the steel that we use, it's
12 high grade steel. When we -- when we perform our
13 design calculations in order to determine what the
14 appropriate wall thickness we have, there's a design
15 factor that's a safety factor, essentially, that's
16 dictated by PHMSA, which is DOT part 195. So the
17 wall thickness that we use is according to the
18 safety standards, and the wall thickness for the
19 Sandpiper is actually higher than that.

20 And specifically in Hubbard County, if
21 you look at the rivers and streams and, like the
22 Straight River was mentioned earlier and a few
23 others like Fish Hook River, we're utilizing
24 different installation methods. We're using a
25 higher, thicker wall thickness for a lot of those

1 crossings. From a little bit less than a half inch
2 to over a half inch, actually a .531-inch wall
3 thickness.

4 One of the other factors that I think is
5 a statistic that is important for Hubbard County
6 with all the sensitivities of all the waters and
7 streams here, is that within this county, 20 percent
8 of the route in Minnesota contains about 35 to 40
9 percent of the actual block valves that are
10 utilized. So that's one of the safeguards that
11 we're recognizing as important to the county and to
12 the environment and to the landowners.

13 One other thing that we do from a
14 construction perspective is all the block valves
15 that we do have have pressure sensitivity devices
16 upstream and downstream of each valve so our
17 operational control center can monitor that in
18 real-time.

19 And I hope from the design and
20 engineering perspective that that answers your
21 question. And I can answer more individually if you
22 have more questions for me later.

23 MR. LOWELL SCHELLACK: I appreciate your
24 detailed answer to my question. And that gives you
25 an attempt to build the safest pipeline possible,

1 but you didn't answer my one question. And I would
2 like this to be a yes or no answer.

3 Is it possible for the pipeline to
4 rupture and spill crude oil into the Hay Creek that
5 I live on, and is it possible that I could have
6 crude oil flowing past my door? Is it yes or no?

7 MR. MARK CURWIN: Hi, Lowell. My name is
8 Mark Curwin and I'm with our major projects
9 management team out of the Superior office.
10 Anything is possible, we all know that. There are
11 no guarantees in life.

12 MR. LOWELL SCHELLACK: Okay. Well, I'll
13 take that as a yes, then.

14 Okay. Since now there is a possibility
15 of that, has there been a study done to determine
16 the effects of a crude oil spill and subsequent flow
17 through the chain of lakes that I've mentioned? And
18 has the study addressed the impact on fisheries,
19 tourism, real estate values, and quality of life for
20 residents along the spill? My question is, has
21 there been a study to determine the effects of a
22 crude oil spill in the area?

23 MR. MARK CURWIN: That's part of what the
24 environmental review process will be for this
25 project.

1 MR. LOWELL SCHELLACK: Okay. So you
2 will -- okay. No study has been done to date, but,
3 okay, will there be an environmental impact
4 statement done, similar to the one that was done for
5 the Pebble Mine project in Bristol Bay, Alaska?
6 Will there be an environmental impact statement
7 done?

8 MR. LARRY HARTMAN: Under the alternative
9 review process it's called something different. We
10 try to provide equivalent information. That's one
11 of the purposes of these meetings, is to find out
12 what the concerns are so they can be incorporated
13 into the document that will be prepared for this
14 project.

15 I'm not familiar with the study you
16 referred to in Alaska, though. But it's a similar
17 document. A lot of the information will be similar.
18 Is it, again, equal to an EIS process, no, it is
19 not, there is no draft and there is not a final
20 document, it's just the document. The public --
21 excuse me. A contested case hearing will be held on
22 it, it will give you the opportunity for questions
23 on that docket to be raised or addressed also.

24 MR. LOWELL SCHELLACK: Okay. So there is
25 not -- there is not an environmental impact

1 statement planned at this time. What would be the
2 driving force that it would take to promote getting
3 an environmental impact statement?

4 MR. LARRY HARTMAN: I'm trying to answer
5 your question. When the rules were adopted back in
6 1988, they built the -- basically, most of the
7 environmental review requirements into the
8 rulemaking process. So rather than a two-track
9 process, say, if you have parallel railroad tracks,
10 too, you have an EIS process and you have a
11 permitting process. Rather than running those
12 separately, the process is designed to incorporate
13 the elements of environmental review into the
14 permitting process. So rather than two separate
15 procedures -- well, I guess there still is two
16 because we have the certificate of need, which is
17 also a parallel process. But the comparative
18 environmental analysis aspect is designed to pick up
19 the components of the environmental review,
20 otherwise it wouldn't have been approved of as a
21 form of alternative review. And that decision was
22 made by the EQB in, I believe, February of 1989, if
23 I recall correctly. So there will be an
24 environmental document, it is just not called an
25 EIS.

1 MR. LOWELL SCHELLACK: Well, as I
2 understand it, the comparative review is not the
3 same as an environmental impact statement. And it
4 would be my request that a full environmental impact
5 statement be done on the project.

6 On a little different track. I am
7 concerned about how much land is being disturbed by
8 the pipeline project. I haven't had access to the
9 construction plans so I don't know how wide your
10 average right-of-way is for construction. But I did
11 make a calculation, assuming an average width of new
12 right-of-way to be 100 feet, or 100 feet of the
13 width of the pipeline. That calculates to 3,634
14 acres, or 5.68 sections of land in what is roughly
15 300 feet -- 300 miles in Minnesota. And it
16 calculates to 642 acres, one section of land, is in
17 Hubbard County. Now, that's based on a 100-foot
18 right-of-way. I guess I would like to ask the
19 design people, are those numbers in the ballpark in
20 your estimation?

21 MR. MARK CURWIN: The easement that we're
22 seeking to acquire for the pipeline is a
23 50-foot-wide easement, a permanent 50-foot-wide
24 easement, not 100.

25 MR. LOWELL SCHELLACK: Well, will all of

1 your construction activities be confined within that
2 50-foot corridor?

3 MR. MARK CURWIN: No, there's temporary
4 work space meant for construction, which is
5 obviously restored postconstruction as well.

6 MR. LOWELL SCHELLACK: And how wide would
7 that be?

8 MR. MARK CURWIN: It's up to a maximum of
9 120 feet for the temporary work space. In some
10 locations it's less than that.

11 MR. LOWELL SCHELLACK: So up to 120 feet.
12 And I took an average of 100 feet, so would my
13 calculations be in the ballpark then?

14 MR. MARK CURWIN: Probably somewhere in
15 the ballpark, but I wasn't doing the math with you
16 as you were reciting that.

17 MR. LOWELL SCHELLACK: Okay. Thank you.

18 I have read stories of homeowners being
19 actually displaced because of the spill in the
20 Kalamazoo River in Michigan. I'm 73 years old and
21 I've worked all my life up until six years ago.
22 I've worked hard and I want to enjoy my retirement
23 and in a beautiful setting and Hay Creek is a
24 beautiful setting. If there is a spill, and we've
25 established that anything is possible, if there is a

1 spill and crude oil flows past my house, will I be
2 compensated for my loss of property and quality of
3 life? And the second part of that is who will be
4 responsible to compensate me?

5 MR. MARK CURWIN: We're responsible for
6 all of our activities, Lowell. So if you were
7 impacted by our activities, whether it's during
8 construction or during operation of the pipeline,
9 then we would be addressing that with you, that's
10 correct.

11 MR. LOWELL SCHELLACK: In the past has
12 Enbridge ever had to compensate people for loss of
13 property and loss of quality of life and were they
14 satisfied?

15 MR. MARK CURWIN: That's a pretty broad
16 question. Maybe I will put it in the context of the
17 comment you just made about our Marshall incident.
18 In fact, no one was displaced in that incident.
19 There was a voluntary short-term evacuation in a
20 very limited area. Enbridge then implemented some
21 compensation programs that people were eligible to
22 participate in. But no one was required to leave
23 their home permanently.

24 MR. LOWELL SCHELLACK: My hearing isn't
25 too good. Was that the Kalamazoo River?

1 MR. MARK CURWIN: That's correct.

2 MR. LOWELL SCHELLACK: That's the one you
3 were talking about?

4 MR. MARK CURWIN: Yes.

5 MR. LOWELL SCHELLACK: Along with being
6 73 years old, I don't hear very good anymore either.
7 One of the joys of getting old.

8 Gentlemen, thank you for your time and
9 your answers. But I think the review process is
10 moving too fast. I request that you extend the
11 public review process until August 1st. Many
12 residents of Hubbard County are gone for the winter
13 and have not had the opportunity to evaluate or
14 comment on the project.

15 We are trying to look at alternative
16 routes to help you in picking your route and we just
17 have not had enough time to do that. We would like
18 to participate more fully in the routing process and
19 we hope that you would give us more time.

20 And I thank you for the opportunity to
21 appear before you today.

22 MR. LARRY HARTMAN: Thank you, Lowell.

23 The next speaker apparently has another
24 commitment so I'm kind of pushing his card up. Jeff
25 Mosner.

1 And I've got 17 cards left and we've got
2 about 45 minutes left on the schedule. So out of
3 consideration, I guess, of your fellow citizens or
4 colleagues, I'd like to ask you to perhaps
5 abbreviate your comments if you can so everybody
6 does get a chance to speak. And let's go to Jeff
7 then if you're here.

8 UNIDENTIFIED: He left.

9 MR. LARRY HARTMAN: Oh.

10 MS. MARY ADAMS: I'm to speak for him.
11 He gave me this.

12 MR. LARRY HARTMAN: Oh. If it's a
13 prepared statement, could you just maybe just
14 summarize it and give it to the court reporter,
15 then, and it'll be put into the record?

16 MS. MARY ADAMS: No, I can't, because I
17 was just given it. Jeff Mosner could not be here,
18 he had an appointment, and he asked if I would read
19 this for him. If I would -- would that be okay?
20 I'll move it along. This is important.

21 This is from Jeff Mosner, J-E-F-F,
22 M-O-S-N-E-R, a resident of Park Rapids.

23 COURT REPORTER: And your name, please?

24 MS. MARY ADAMS: Mary, M-A-R-Y,
25 A-D-A-M-S. Mary Adams.

1 COURT REPORTER: Thank you.

2 MS. MARY ADAMS: This is Jeff speaking.

3 I have two main concerns that I'd like to
4 share. First is the apparent flaws inherent in the,
5 quote, unquote, needs process. And second, the
6 environmental concerns related to the proposed,
7 quote, unquote, route.

8 My concerns with this need process is
9 that it appears to be severely tilted in favor of
10 the oil industry. According to the January 31st PUC
11 notice, that this is the first opportunity for the
12 public to make its concerns known. These concerns,
13 as stated in the notice, are to be limited to
14 proposing of alternative routes or segments.

15 The notice states that the PUC must rule
16 on a certificate of need as well as the route, and
17 that further hearings will occur after the
18 Department of Commerce has done a comparative
19 environmental analysis.

20 It appears to me you've got the
21 proverbial cart before the horse. For example, say
22 you are a homeowner and you're thinking about
23 building a shed. Now, wouldn't you consider all of
24 the reasons why you need the shed before you think
25 about where you're going to put it? Unless, of

1 course, you're trying to fly the shed under the
2 radar of your spouse. Oh, yeah.

3 I wonder if that is what Enbridge, aided
4 by the PUC, is attempting to do. Let us think we
5 have input into this process by picking a route, but
6 the actual need for the pipeline never gets
7 adequately vetted. Heck, Enbridge, a foreign
8 company, is already offering easement contracts to
9 landowners in this county. Now, I may have spent
10 too much time cooped up in my ice shack this winter,
11 but something does not smell right here.

12 Also, when you look at need, this should
13 not solely be Enbridge's need to move oil and make a
14 profit. Enbridge claims this pipeline will help the
15 U.S. break its reliance on foreign oil. However,
16 Enbridge has dodged the PUC's request to provide the
17 designation of this proposal they propose to ship
18 through our country. Wouldn't we be the fools to
19 find out we allowed the pipeline to compromise this
20 pristine environment so that the oil industry can
21 profit by selling the refined petroleum products to
22 foreign countries?

23 Okay. So let's assume we are provided
24 ironclad assurances that this oil and its refined
25 output will indeed benefit the United States.

1 Now I'd like to address my second
2 concern. The environment. While the, quote,
3 unquote, glossies put out by Enbridge boast of their
4 attention to safety, sadly, their history and
5 actions tell us a very different story.

6 Hubbard County is blessed with natural
7 resources that are the envy of most other areas. It
8 is what drew my wife and I to settle and live our
9 retirement years here. It is the whole of
10 Minnesota's oldest and most visited state park,
11 Itasca. Visited by more than 500,000 people a year.
12 Itasca State Park is the home to a major research
13 center for the University of Minnesota, its very
14 name is derived from its honor to be the source of
15 our nation's third longest river, the Mississippi.

16 It's a very -- oops. The Mississippi
17 River is one of the world's major river systems in
18 size, habitat, diversity, and biological
19 productivity. The Mississippi watershed is the
20 fourth largest in the world and measures
21 approximately 1.2 million square miles, covering
22 about 40 percent of the lower 48 states. It's
23 depended upon by over 50 million people for their
24 drinking water.

25 The proposed Sandpiper Pipeline crosses

1 this watershed in multiple locations on its way to
2 Superior. And in Hubbard County the pipeline also
3 would cross the Straight River, one of the few
4 natural producing brown trout streams in northern
5 Minnesota.

6 It will also cross the Shell and Crow
7 Wing Rivers, as well as Hay Creek, which flows into
8 the very popular Island, Eagle, Potato and Fish Hook
9 chain of lakes before bringing it to Fish Hook
10 River, which flows right through the heart of our
11 land. Imagine a major oil spill in one of these
12 rivers. That nightmare happened in July of 2010 in
13 Michigan when one of Enbridge's pipelines ruptured
14 and caused a million gallons of tar sands crude oil
15 into a small tributary of the Kalamazoo River,
16 causing irreversible damage to the river and to its
17 community. Enbridge is still attempting to clean up
18 the spill, the largest spill in U.S. history.

19 Can I read a little more? Are you okay?

20 UNIDENTIFIED: Go ahead. Go ahead.

21 MS. MARY ADAMS: Just a little more?

22 Okay. 'Cause I would maybe skip, but maybe I
23 shouldn't skip it.

24 UNIDENTIFIED: Please.

25 UNIDENTIFIED: Go on.

1 MS. MARY ADAMS: There is a proposal to
2 transport fracked oil from the Bakken deposit in
3 North Dakota. While its highly volatile oil is bad
4 enough due to the carcinogenic chemicals that need
5 to be used in the fracking process, now we are
6 hearing news that they are considering sending tar
7 sands oil extracted in Canada down the Sandpiper
8 corridor.

9 It would be nothing short of an
10 environmental crime to have tar sands oil
11 transported to our country. And once the pipeline
12 is approved, there is nothing stopping Enbridge from
13 shipping whatever they want through it.

14 Tar sands oil is a sludgy form of bitumen
15 or asphalt diluted with gas condensate made from a
16 plethora of carcinogenic chemicals needed to make it
17 flow. The higher temperatures in pressure make it
18 more corrosive and leads to greater chances of
19 pipeline breakage. Again, this is the stuff that
20 breached Enbridge's pipeline in Michigan.

21 Back to our blue river trout streams.
22 Pipelines have had some serious consequences for
23 high quality trout streams and wetlands in
24 Minnesota. Would anyone from Enbridge care to
25 describe these events? What material escapes into

1 our streams during these incidents, commonly called,
2 quote, unquote, frack-outs? And if they had done
3 any long-term studies of impacts of these chemicals?
4 And why don't they seem to be prevented?

5 We recently learned that the aquifer used
6 for Park Rapids water has been compromised by
7 nitrates due to regular applications of fertilizer
8 on our surrounding ag fields. Park Rapids residents
9 have been notified they will need to foot the bill
10 for a \$2.5 million water treatment facility. This
11 problem is made worse because of the relatively
12 porous soil and shallow aquifers.

13 A pipeline carrying dirty oil across this
14 land is a catastrophe waiting to happen. Studies of
15 pipeline safety find that the probability of major
16 leaks and spills is surprisingly high, virtually
17 guaranteeing the major leaks or spills over the life
18 of the line.

19 And the last point that Jeff wants to
20 make is, I'd like to make -- the last points I'd
21 like to make have to do with the timeline of this
22 project. Scheduling all of these public meetings
23 during the peak time of the year when many residents
24 of our lake country goes south is, at best, poor
25 judgment and, at worst, covert.

1 So include me in the long and growing
2 list of folks and organizations who are requesting
3 an extension to this comment period. Regardless of
4 how you rule on that request, I also urge you to do
5 a full environmental impact study on this project as
6 soon as possible. The risk to the highly vulnerable
7 lakes, rivers, wetlands and watersheds in our
8 community demand it.

9 Jeff says thank you for listening. Thank
10 you.

11 MR. LARRY HARTMAN: Maurice Spangler.

12 DR. MAURICE SPANGLER: Can you hear me?
13 My name is Maurice, M-A-U-R-I-C-E, Spangler,
14 S-P-A-N-G-L-E-R. I'm a retired family practitioner
15 from Park Rapids and I have the same concerns as a
16 number of the people here have expounded.

17 I'm very fearful of a severe spill, of
18 oil leaking on Fish Hook Lake. Enbridge cannot
19 guarantee an absolute lack of spills and that means
20 that there eventually will be a spill somewhere.

21 As a physician, I believe that preventing
22 a disease or an accident is much preferable to
23 treating it after it occurs. And preventing an oil
24 spill would be in the same category.

25 And I'm not going to go through all the

1 concerns that other people have brought up, but I
2 have one question. Since the Exxon Valdez disaster
3 in Alaska, double-hulled tankers are, I understand,
4 being used more to transport oil. Why can't
5 pipelines be double hulled?

6 MR. BARRY SIMONSON: Thanks for your
7 question. In terms of the design requirements, we
8 are adhering to all the federal requirements that
9 are conducted by PHMSA, Federal Pipeline
10 Administration -- Pipeline Hazardous Materials
11 Safety Administration, excuse me. So in terms of
12 DOT part 195 design requirements that I alluded to
13 earlier, there is a design factor that we have to
14 incorporate into a pipeline design, which is .72.
15 So we take that into account based on what the
16 maximum allowable operating pressure can be of the
17 pipeline. So in terms of your double hull question,
18 there's a thickness requirement that we have to
19 have, that is part of the requirement that we abide
20 by in our design.

21 DR. MAURICE SPANGLER: So there are --
22 you do have double hulled pipelines, where if the
23 inner hull ruptures, and then you have the outer
24 hull?

25 MR. BARRY SIMONSON: No, on a new

1 pipeline we do not.

2 DR. MAURICE SPANGLER: I think that might
3 be something to consider. Thank you.

4 MR. LARRY HARTMAN: Sharon Natzel.

5 MS. SHARON NATZEL: Thank you. My name
6 is Sharon Natzel, and that's S-H-A-R-O-N, Natzel is
7 N-A-T-Z-E-L.

8 I have a lot of comments and questions,
9 but I know we only have five minutes, so I just want
10 to know if I do just my key highlights and then hand
11 it in as a comment and question, is that still the
12 same as saying it verbally?

13 MR. LARRY HARTMAN: That's fine.

14 MS. SHARON NATZEL: Okay. I wanted to
15 let everybody know that I noticed in reviewing the
16 Sandpiper Pipeline documentation in the docket
17 13-474, that on the newspaper list and table,
18 Northwoods Press was not asterisked appropriately as
19 the official Hubbard County newspaper, the asterisk
20 was on the other local paper.

21 There was also a difference in what route
22 information was indicated to be published between
23 these two newspaper lists. The Northwoods Press had
24 only one route and the other local newspaper had two
25 routes listed on the table in the Hubbard County

1 area. I'm very concerned that we in Hubbard County
2 and the general public were not notified properly if
3 the official Hubbard County newspaper did not
4 contain all the route notifications. Because of
5 this inaccuracy, I'm concerned how much important
6 public information and notification concerning both
7 the pipeline certificate of need and the route
8 permit hasn't been communicated properly to us here
9 in Hubbard County.

10 I believe that a time extension of at
11 least August 1st, 2014 and additional public
12 meetings should be held in Hubbard County to allow
13 for full review of both. All the extended public
14 meetings I'm hearing should be in the official
15 newspaper of Hubbard County, the Northwoods Press.
16 Plus, continue with the other local paper, too,
17 'cause the general public will now expect to be
18 informed that way as in the past on this project.

19 Okay. I'll skip a couple.

20 Okay. In document 13-474 there is one
21 valve listed for Hubbard County at milepost 445.1.
22 This valve listed on the Table 1.2.4-1 proposed
23 above-ground facilities for the Sandpiper Pipeline
24 project.

25 The valve prior to Hubbard County valve

1 is milepost 403.6 in Clearwater County. That means
2 there would be 41.5 miles between valves in this
3 situation. The next valve immediately after Hubbard
4 County valve is at milepost 479.4 in Cass County.
5 That would be 34.3 miles between the two valves.
6 For these three counties, there are 75 water bodies
7 crossed, not including wetlands. Based on the Table
8 9.2.1, summaries of water bodies crossed by the
9 Sandpiper Pipeline project.

10 This small number of valves is a concern
11 in case of a leak or spill where an emergency
12 shutoff is required to prevent pollution of the
13 water and other natural resources. This is one
14 reason that an environmental impact statement should
15 be looked into.

16 I'll skip a few more.

17 Okay. In the 9.1 major basins and
18 watershed section of 13-474, there's a diagram based
19 on USGS 2013 showing the surface waters crossed by
20 the preferred route are located in four major
21 basins. These major watershed waters meet both
22 Canada and the U.S. The square mile surface
23 drainage area within the United States is 76,291
24 square miles. Of concern would be any leak or spill
25 that affects one or more major basins. A spill,

1 leak, or sabotage could cause a national security
2 risk to our water supplies here in the United States
3 depending on the amount or locations. I feel that a
4 full EIS is necessary to protect our United States
5 water resources.

6 In the Upper Mississippi River source,
7 water protection project information, on their
8 website, a 1980 study is cited where 18 million
9 people used the Mississippi River watershed for
10 drinking water.

11 I'll skip a few more.

12 Okay. In the 14-474 it talks about where
13 you're actually testing the pipeline after it's
14 installed in places. And it talks about
15 appropriating water. I want to know if there are
16 limits to the appropriate amounts of water and time
17 of year that appropriation of water is done when you
18 are testing the pipeline. And if it's for each
19 water body that these limits are.

20 Who regulates the water appropriation?
21 What rights regarding water appropriation does NDPC
22 receive with the Sandpiper Pipeline specifically?
23 Are there water appropriation rights that are
24 related to the right-of-way that NDPC will gain
25 through the Sandpiper project? Is there an

1 expiration date or time limit on the water
2 appropriation rights and limits for NDPC? What
3 state and federal agencies have oversight of the
4 water appropriation rights of NDPC?

5 I'll skip a couple.

6 The project doesn't speak to monitoring
7 for acts of sabotage. What monitors will be
8 utilized to protect the pipeline and, in turn, our
9 waters and agricultural lands from spills or leaks?
10 For example, on the Trans-Alaska pipeline, it seems
11 that there may be more frequent checks than 26 times
12 per year, especially at key points along the
13 structure based on information received in a tour in
14 Alaska in 2013.

15 Does the aboveground pipeline
16 implementation method allow for enhanced monitoring
17 through cameras and other sensors on the inside and
18 outside? Has this method of pipeline installation
19 been evaluated and compared to the buried Sandpiper
20 Pipeline proposed. Has an environmental risk
21 comparison been done on the aboveground type of
22 pipeline as compared to the underground? And also
23 the risk comparison, in addition to the four methods
24 of the installation techniques named in the project
25 documentation? Are there other methods of pipeline

1 implementation that are available to consider, too,
2 and what are the safety features of each?

3 And I'm skipping a whole bunch, but I
4 will submit it in comments.

5 Thank you.

6 MR. LARRY HARTMAN: To answer your
7 question, the DNR does the water appropriations
8 permit. The discharge permit is issued by the
9 Minnesota Pollution Control Agency. And, again, as
10 I mentioned earlier, they have made their
11 application to the United States Army Corps of
12 Engineers who reviews all wetland and associated
13 waters that drains in through the -- that wetlands
14 drain into.

15 The next speaker card I have is Frank,
16 B-I-B-E-A-N, I believe.

17 MR. FRANK BIBEAU: My name is Frank
18 Bibeau, B-I-B-E-A-U. Most of you know me around
19 here from Indian country of White Earth and Leech
20 Lake, I've been a tribal attorney at Leech Lake and
21 I've worked at White Earth and I'm very familiar
22 with the area and what's going on.

23 And in the last couple of years, Peter
24 Erlinder and I have been working through some of
25 these treaty rights in a way that I don't think this

1 PUC understands. And we're going to be making those
2 arguments coming up because I don't believe the PUC
3 by itself has the jurisdiction to give 100 percent
4 consent when it's crossing through our ceded
5 territories where we have other rights. Not just to
6 hunt, fish, and gather, but to protect the
7 environment. Normally there would be a do-nothing
8 alternative and that's what we would talk about here
9 today.

10 Mark Curwin, I've known Mark for a few
11 years when the pipeline came through Leech Lake.
12 And I told him that I believe the corridor should be
13 going down I-94. And maybe even aboveground. I was
14 at a PUC meeting, I'll say ten years ago, when they
15 were talking about how the timber harvesting should
16 be working. Where is the timber industry now?
17 Where is the board industry? A lot of it's gone.
18 They decided they could have a sustainable harvest
19 by doubling the harvest. And what they did was they
20 harvested the industries and half the industries are
21 left.

22 So I've heard a lot of very clear
23 explanations of what's going on. But I can tell you
24 right now that the pipeline as it exists and how
25 it's proposed not only is going to interfere with

1 the Mississippi watershed, but the Lake Superior
2 watershed and the Huron -- not Huron, but Hudson.
3 So essentially that's the whole North American east
4 side of the continent.

5 I know Enbridge cleans things up,
6 Enbridge pays for a lot of things. Enbridge gives a
7 lot of things to communities and creates jobs and it
8 does all this. I was also passing through Cohasset
9 when they had the big oil spill there probably ten
10 years ago. Now, that was in the middle of the
11 summer. That was Fourth of July weekend. And I can
12 tell you, it was shocking to see the black plume
13 going up into the sky miles and miles and it was
14 blowing towards Leech Lake Reservation.

15 Now, I would also tell you that the
16 Minnesota Pollution Control Agency did not want
17 Leech Lake to participate in any of the cleanup that
18 was going on because it was considered off
19 reservation. Enbridge actually was the one who did
20 invite us to participate. So you don't know who is
21 really there for you when things are happening. And
22 I'm not saying Enbridge was there, I'm saying the
23 Minnesota Pollution Control Agency wasn't.

24 Now, normally our rights only run through
25 our treaties with the United States of America.

1 There is no jurisdiction granted to the State of
2 Minnesota to deal with our rights through treaties
3 in federal statutes. And that doesn't mean just on
4 our reservation, it means off reservation. And so I
5 can tell you there's going to be some other things
6 that have to be looked at for this corridor.
7 Because the areas that are being crossed here are
8 very important for us culturally, historically, and
9 for everyone's survival.

10 I know we can't fix everything and make
11 the pipelines go where they should, but we live in
12 an area full of risk. It's very full of water, very
13 full, okay. And that's what everybody is talking
14 about here today and that's what everybody needs to
15 think about. I understand we're going to have
16 pipelines. I understand I came here in a car. I
17 told the PUC ten years ago that I used toilet paper
18 and read the newspaper. It didn't mean I wanted all
19 the trees cut.

20 That's what we need to be talking about
21 and thinking about, and we will be. It's a tough
22 issue and we're all going to have to work together
23 on this. But I know that working with Honor the
24 Earth on this project, our goal is to stop this
25 pipeline.

1 Oh, I'm sorry. It was 1992 for the
2 Cohasset spill, I just remember the Fourth of July.

3 MR. LARRY HARTMAN: History goes pretty
4 fast.

5 The next speaker card I have is David
6 Schornack -- S-C-H-O-R-N, either A or E-C-K.

7 UNIDENTIFIED: He had to leave.

8 MR. LARRY HARTMAN: Okay. And I have a
9 note from Casey, who is helping me in the back there
10 by the maps, to please ask K-R-O-O-K-E-N in Clover
11 Township to see Casey in the back about some maps.

12 MS. CASEY NELSON: The last name is
13 Krooken. If she is still here, come meet me in the
14 back area by the maps.

15 MR. LARRY HARTMAN: The next speaker I
16 have is Peter Erlinder.

17 MR. PETER ERLINDER: Hi. My name is
18 Peter Erlinder, I'm a professor of law at William
19 Mitchell Law School in St. Paul, and I partner with
20 Frank, and I'm doing work to identify the rights
21 that native people have in Minnesota.

22 And it so happens that the U.S. Supreme
23 Court has created a new area of rights that have
24 largely gone unrecognized until recently. But it's
25 likely that this area of rights is going to have an

1 impact not only on this question, and I think the
2 Enbridge case may be one of the first cases that has
3 an opportunity to explore this, but you remember
4 that there was this Mille Lacs case about 12, 15
5 years ago. And in that case the Supreme Court held
6 that the cases from the 1800s that -- or the
7 treaties from the 1800s were still valid in the 20th
8 century. And that case was decided on a five to
9 four vote. So it was viewed as perhaps kind of a
10 marginal sort of decision.

11 But if you read the case closely, what
12 you see is that every member of the Supreme Court
13 agreed with one basic principle. And the basic
14 principle was that if the treaty negotiators from
15 the U.S. government said that the native people had
16 the right to hunt and fish and gather, even if they
17 didn't own the land, it was like having mineral
18 rights for a mining company. So even if the mineral
19 company -- even if the mining company didn't own the
20 land, right, they still had the mineral rights.

21 And that same thing is true for Indian
22 people. Even if they didn't own the land, they
23 still retained the hunting and fishing rights as
24 property. Those are called usufructory property
25 rights. And those property rights go back into

1 Roman times, that the Roman Empire had to protect,
2 because people before the Roman Empire were hunters
3 and gatherers. And the hunters and gatherers on the
4 Italian peninsula insisted that their rights be
5 protected from the Roman Empire. And so it had to
6 be written into Roman law, and that was written into
7 English common law, and that was written into
8 American law, and the Supreme Court said it's
9 written into modern law.

10 So the Indian people have usufructuary
11 property rights wherever U.S. treaty negotiators put
12 it into the treaty. And do you know where they put
13 it into the treaty? Everywhere in northern
14 Minnesota. Every place. That was those treaty
15 negotiators who did it, it wasn't the Indians. Ha?

16 Now, a unanimous Supreme Court said that.
17 But almost no one figured it out until Frank and I
18 started doing some historical research and we
19 figured it out. About three months ago, a federal
20 judge in Minneapolis, Judge Tunheim, dismissed a
21 bunch of federal prosecutions against native people
22 taking fish on the reservation because the Judge
23 realized that the Indians had usufructuary property
24 rights on their own reservation so they couldn't be
25 prosecuted for taking fish on their own reservation.

1 So the idea that Indians have
2 usufructuary property rights that have to be
3 protected anywhere that a treaty covered those
4 rights, not just on the res, but off res, has also
5 already been recognized in Crandon, Wisconsin, where
6 there was a mine that was attempted to be sited off
7 reservation, and there was an environmental impact
8 statement saying that if the mine was going to
9 affect hunting and fishing and gathering off
10 reservation, ha, and have a cultural effect off
11 reservation, that that all had to be taken into
12 consideration also. Which has not been part of the
13 way that Minnesota has done things yet, but it has
14 been done that way in Wisconsin. So that's the
15 Crandon mine EIS precedent that we'll probably be
16 citing for you.

17 But the thing that I wanted to make sure
18 that the people in northern Minnesota know is that
19 if you're not an Indian, the hunting, fishing, and
20 gathering rights that native people have are going
21 to protect the environment for all of us. Because
22 those property rights, as we know, are sacred in the
23 U.S. Constitution. Because property cannot be taken
24 without due process of law. And there's nothing
25 more sacred to capitalism than property. Right?

1 And Indians have usufructuary property
2 rights to make sure their hunting and fishing and
3 gathering rights will not be taken away, and their
4 hunting, fishing, and gathering rights will protect
5 the pristine wilderness that we all need for the
6 seventh generation. And if we're smart enough --
7 and if we're smart enough to help the native people
8 protect their property rights, their property rights
9 will protect our property rights.

10 UNIDENTIFIED: Right.

11 MR. PETER ERLINDER: Right? So there is
12 the chance in this gift that the U.S. Supreme Court
13 gave us in the Mille Lacs opinion to change the
14 power relationships so that all of the people who
15 value the environment, rather than just property
16 alone, can make common cause. And so let's get
17 together and try and do it, to save the environment
18 which is the usufructuary property that we all want,
19 not just property alone.

20 MR. LARRY HARTMAN: The next speaker card
21 I have is Thomas Ferrarell.

22 MR. THOMAS FERRARELL: Okay. I got a
23 couple of questions for the Department of Commerce
24 and the PUC. So my first question is for Larry.

25 COURT REPORTER: You never stated your

1 name and spelled it.

2 MR. THOMAS FERRARELL: Oh, I'm sorry.
3 Thomas Ferrarell, F-E-R-R-A-R-E-L-L.

4 COURT REPORTER: Thank you.

5 MR. THOMAS FERRARELL: I was at the
6 meeting in Crookston last week when you shared that
7 pipelines are safer than rail transportation as a
8 method to get from point A to point B. You were
9 asked how you came to that conclusion and you based
10 it off your own personal opinion and unnamed studies
11 that you, quote, typically read. Sorry, excuse me.

12 So I wanted to offer two studies on that
13 issue. One was done by the American Association of
14 Railroads using data from the US Pipeline and
15 Hazardous Materials Administration from 02 of '12
16 and showed that there were over 14 times as many
17 crude oil spills from pipelines than by rail. And
18 of those spills, over -- or 200 times as many
19 gallons of crude oil spilled by pipelines as
20 compared to rail.

21 And there was another one by the
22 International Energy Agency with data from the U.S.
23 Department of Transportation showing that for each
24 mile traveled, three times as much -- there are
25 three times as many spills per mile traveled by

1 pipelines rather than rail. So that was just
2 talking about -- the mic went dead.

3 All right. So that was just talking
4 about spills.

5 MR. BARRY SIMONSON: Use this one.

6 MR. THOMAS FERRARELL: Good? All right,
7 cool.

8 That was talking about spills, and you
9 were talking about was safety, and that was your,
10 you know, your personal opinion that they're safer.
11 So I was curious what -- the question is what is
12 your definition of safety?

13 MR. LARRY HARTMAN: Do you want to ask
14 your questions and I'll respond once rather than
15 switching back and forth?

16 MR. THOMAS FERRARELL: That's fine.

17 My other question was about the
18 comparative environmental review analysis. It's
19 still not really clear to me. What is that being
20 compared to? Like, what would come out of it? Is
21 it proposed -- Enbridge proposed pipeline is safer
22 than some other person's proposed pipeline? Is that
23 how it works?

24 And then the other questions are, is our
25 only opportunity of the public to reject this

1 pipeline during the comment period on the validity
2 of the certificate of need? When is that and when
3 does it end?

4 And the last question is how is it in the
5 public's interest to be discussing a route we cannot
6 see before its need is even determined?

7 And even after, I think, Enbridge has
8 paid for easements. Can you confirm that?

9 MR. LARRY HARTMAN: My comment regarding
10 safety, and I believe that I said that is based on
11 the documents I reviewed, historical documents.
12 Now, again, I've looked for some updated ones, I did
13 come across a few. Obviously you disagree with my
14 opinion so I'll just indicate that if you're
15 interested in pursuing the data, pursue the
16 research, but also look at the metrics behind each
17 of those documents is how these comparisons are made
18 so you're looking at equivalency in terms of, you
19 know, barrels per mile or gallons per whatever, and
20 draw your own conclusions.

21 With regard to the permitting process by
22 the PUC. Again, there are two documents. One is a
23 certificate of need and the other is the pipeline
24 routing permit that they applied for. The processes
25 run in parallel, in sequence, so the need process

1 addresses need-related issues. My side of the
2 ledger or the side that I work with, it's more
3 location related. Again, the decisions are made by
4 the PUC in sequential order. If they determine
5 there's no need for the pipeline, then there's no
6 pipeline routing permit issued. If they determine
7 there is a need for it, then our task, or the
8 Commission's task is to determine the best location
9 for that pipeline. And then if that decision is
10 made and it's permitted, there are permit
11 conditions, we also include special conditions based
12 on information in the record.

13 And I believe I might have -- the
14 opportunity to propose routes, you know, by --
15 that's established, we had asked for a variance to
16 allow more time than what the rules provide. Again,
17 with the extension it came out on April 4th. Now,
18 again, I realize that to a lot of people it may not
19 make sense to continue the process and decide need,
20 need first and then the route. Again, because
21 they're running in parallel, this is the only
22 opportunity to set additional line routes at this
23 point in time. It's just the way the permitting
24 process has been set up and established.

25 And I think you had one question on need

1 that I didn't quite exactly hear clearly what you
2 said. So could you restate that and then I'll try
3 to answer.

4 MR. THOMAS FERRARELL: Okay. The last
5 question that I read out was how is it in the
6 public's interest to be discussing a route that we
7 can't see before its need is even determined. So it
8 was right now we're commenting on alternatives or
9 proposing alternative routes, right? And then after
10 this comes our opportunity to comment on the
11 certificate of need. Is that correct?

12 MR. LARRY HARTMAN: The certificate of
13 need process is a little bit more evidentiary in
14 nature, not some of the public participation
15 components. That will be, I guess, addressed by the
16 administrative law judge at the prehearing
17 conference next Monday.

18 The -- when the hearings are held
19 sometime this fall, they'd be joint hearings, so
20 they will discuss both for the public and then
21 provide comments on both need for the project, as
22 well as the Department of Commerce, the other
23 members from the Department of Commerce who just
24 work on need related issues. All of their testimony
25 will be prefiled, as required by the rules and

1 available for public review. The public is
2 certainly free to comment either on the certificate
3 of need process and/or the route permit selection
4 process during the hearings presided over by an
5 administrative law judge.

6 MR. THOMAS FERRARELL: Okay. When we're
7 talking about the safety of train rail versus
8 pipelines, you're saying that you have studies that
9 you're referring to to come to that conclusion. Do
10 we get to see those studies only after the
11 comparative environmental analysis is released?
12 Because it's my understanding that at that point we
13 can't comment on it, there's no more public
14 involvement.

15 MR. LARRY HARTMAN: Certainly, feel free
16 to comment on it. If you go to the National
17 Transportation Safety Board pages and the Federal
18 Office of Pipeline Safety, they have some studies or
19 links to studies there that -- they're there for
20 public review, they're certainly not proprietary or
21 anything else. Just Google them and I'm sure you
22 can find any number of sources.

23 I would consider what's posted on the
24 National Transportation Safety Board to be the most
25 accurate ones, but, again, draw your own conclusion

1 or opinion on that. I can, again, provide you, if
2 you give me your name and address or e-mail, I can
3 forward some of those references to you
4 electronically. And I'm not saying it's complete or
5 comprehensive, but it's some of the more recent
6 ones.

7 The next speaker I had was Richard Bogart
8 (phonetic).

9 UNIDENTIFIED: Bogart left.

10 MR. LARRY HARTMAN: Okay. Jasmine
11 Larson.

12 MS. JASMINE LARSON: (Ojibwe). I'm with
13 the Bear Head Clan, and you are about to affect the
14 waters that my family for many, many years, my
15 grandpa, my uncles, my aunties even, my friends,
16 they all rice, they all leech, they all live off
17 this land. Everything, our water is everything to
18 us. It is the blood of the earth. I don't know why
19 you need to go through the headwaters in order to
20 contaminate all our stuff in order to make your
21 pockets full. It doesn't add up to me why. You say
22 your measurements are 54 inches into the ground,
23 when frost goes six feet, ten feet this year, what's
24 going to happen when your pipes freeze up? What's
25 going to happen when it's frost out until March?

1 So what I want to tell you right now is
2 that you're not only affecting us in this building,
3 but you're affecting everybody. All our spirits,
4 all the trees, all the fish. Everybody.
5 Everything. Things that you guys don't think of,
6 every leaf on the tree. What's going to happen when
7 we don't have these resources? What's going to
8 happen to the generations ahead of us? What's going
9 to happen to my grandchildren? Yeah, right.

10 I don't understand why you need to put it
11 here. You have everywhere in the nation to put it.
12 Why pollute our waters? Do you think we're stupid
13 that you put this map up here and it doesn't have
14 the Mississippi River? I know my geography. I know
15 my reservation. I drive every day from Leech Lake.
16 Or I'm from White Earth, but I drive to Leech Lake
17 to go to school. I see pipelines all across there.
18 You guys are contaminating the most beautiful part
19 of our country. This is God's country. This ain't
20 even only our country, this is everyone's land. And
21 you guys aren't even from here. You don't know.
22 You don't know nothing about what you're doing to us
23 as people. You don't know nothing. As soon as you
24 come here with money and you think that you can take
25 us over, money ain't no object to us, we don't need

1 your money. We live off this land, you're polluting
2 our land.

3 And I'm telling you right now, nobody is
4 going to stand for what you're doing. You guys are
5 fighting a battle of a lot. It's way more than you
6 can handle. My best advice to you is to move and
7 get off our land because we're not going to stand
8 for this.

9 That mapping isn't even accurate. It
10 don't even have our water on there. A lot of the
11 water isn't even visible on there. You don't have
12 our main -- the Mississippi comes straight from
13 here. And you're going to put a pipeline all the
14 way around it and through it and through every other
15 lake that you can't even see. You don't know what
16 you're doing.

17 And I say this from my heart. And I
18 thank you for your time, but you really need to look
19 around and see who you're affecting because of
20 money.

21 MR. LARRY HARTMAN: Thank you.

22 Richard Bogart. Somebody told me he came
23 back, and then he left again.

24 Michael Swan. Michael Swan.

25 MR. MICHAEL SWAN: Can I use that?

1 (Speaking in Ojibwe).

2 My name is Michael Swan, S-W-A-N, one N.
3 I am the director of natural resources for the White
4 Earth Indian Reservation. I've been in this field
5 for 30 years. And hopefully I'll be able to retire
6 out of here. But I always see people like this
7 coming back at me here so I got to get involved.
8 There's a couple things I want to point out, and I'd
9 like to thank Frank Bibeau and Peter Erlinder for
10 some of the things that they said.

11 One of the things I want to first point
12 out to you, though, is the position of the White
13 Earth Reservation, that's who I work for. They have
14 not come forward for or against this project. They
15 want more information about it. They want to
16 understand what the purposes of this is for. So
17 they haven't made their decisions. And that's why
18 I'm here, is to get information so I can take it
19 back and advise them of what the proposals are.

20 On the part I see here on the maps that
21 was out here in the front, there's concern of being
22 close to areas of lakes that have wild rice. I'm
23 going to say the same things, what has been said
24 before. This is a right of the tribal people,
25 native people, Ojibwe people here to hunt, fish, and

1 gather. You come into an area where there's lakes,
2 watersheds, rivers coming from those areas.

3 And I notice one thing, too, that across
4 Clearwater County or township, these four townships
5 here, where we rice, Long Lost Lake Township. To us
6 this is still considered the original boundaries of
7 the reservation. And as far as I know, the
8 Department of Natural Resources, there really has
9 not been any type of consultation between this
10 proposal and to the tribe. The tribe is a sovereign
11 government. We are sovereign. We are not a special
12 interest. This is something for us to consider
13 because it's going to affect our future.

14 I think a lot of people already said
15 something that I am not going to repeat all that
16 they say, our water, our rice, our resources, our
17 fish, our deer, all of this ties together. And I've
18 also been asked by some tribal members, I noticed
19 already they've been requesting other meetings.
20 Well, then, White Earth, meet with our members and
21 ask them how we feel about it. I think that'll come
22 out pretty good and strong, listen to us. I just
23 wanted you to know that.

24 There are things here that you guys are
25 not specific. I wouldn't want any of your guys's

1 jobs at the Public Utilities Commission. You got to
2 take the things, you got to hear, and I have dealt
3 with it over the years myself. But still, you got
4 to make decisions on what has to be taking place on
5 what is right or what is wrong and that's not always
6 easy.

7 MR. LARRY HARTMAN: Janet is getting kind
8 of tired, so why don't we take a real short break.
9 About five minutes, does that work? No, but she's
10 saying yes. So why don't we take a five-minute
11 break and come back. I've got about six or seven
12 cards left, I would like to hear from everybody, but
13 we're going to have to close down fairly soon for
14 the next meeting this evening.

15 (Break taken from 2:11 to 2:24.)

16 MS. TRACY SMETANA: Attention, everyone.
17 If you could please find a seat so we can reconvene.
18 I know we have several speakers who wish to address
19 us yet. We'll go until 3:00 and at that point we do
20 need to cut things off because we have to get to our
21 next destination for our next meeting. So if you
22 could grab a seat we'll get started on the next
23 speaker. Thank you.

24 MR. LARRY HARTMAN: The next speaker card
25 I have is Dawn Goodwin. Dawn Goodwin.

1 MS. DAWN GOODWIN: That would be me.

2 MR. LARRY HARTMAN: I know I have -- I
3 probably have about ten speaker cards left, and
4 since we only have a half an hour left, if everybody
5 could be as concise as possible, it would be
6 appreciated. Thank you.

7 MS. DAWN GOODWIN: No problem. My name
8 is Dawn Goodwin, D-A-W-N, G-O-O-D-W-I-N.

9 I don't usually get up in front of a
10 crowd of people and speak unless I'm compelled to.
11 I like to sit in the back and let everybody speak.
12 This is my home and everybody else's home. Will you
13 be living anywhere along your proposed route? Any
14 of you? Close proximity, a landowner?

15 MR. JOHN PECHIN: It goes right through
16 my neighborhood.

17 MS. DAWN GOODWIN: Okay. I just had a
18 question. Today I come here to speak for myself,
19 yes, but for the people that can't be here. Today
20 I'm speaking for the grandmas that were going to
21 come with me and they couldn't.

22 Every summer I go with the grandmas and
23 we go pick berries. You're proposed light -- or
24 your proposed route, excuse me, goes so close to the
25 biggest berry patch in this country. When I go to

1 the berry patch I cross over two pipelines in the
2 ground already. I fear that those will degrade and
3 contaminate our area. So you want to put another
4 pipeline in that's going to triple our fear. Oil
5 has great kinetic energy.

6 And I want to make one point, is that I
7 have family and I have friends from the point of
8 extraction, wherever you're going. Family and
9 friends that I care about, that live within
10 proximity and further out. This could affect us.
11 Affect our health. We are human beings. We do not
12 have immortal life. All these oils hold
13 contaminates. Highly volatile.

14 This company that you are representing,
15 shall I say represent supporting, is getting oil
16 from a very highly radioactive rock. Does everybody
17 know that? I don't think everybody knows that.
18 Shale is the most highly radioactive rock. And you
19 are supporting this industry.

20 I do not support this industry. This
21 industry has the highest potential to hurt the
22 people of North Dakota. I have family that live
23 there. I have nephews that hunt and fish that area.
24 Soon they may be ingesting fish and deer and geese
25 that are contaminated.

1 So I oppose this. I do not even see an
2 alternative route. We have enough pipelines
3 already. If I quote the president, he said we have
4 enough pipelines to go around the world eight times.
5 It needs to stop. It needs to stop. We need to
6 move away from the tyranny of oil. You guys are
7 just buying into it. Keep buying in, buying in.
8 Come to this area and promise these jobs to people.
9 And that's why so many turn their head, because they
10 want that money.

11 But I'd like to challenge you guys. Come
12 here in the summer, enjoy, get to know the people
13 along this route. See what we're talking about.
14 Even this map doesn't even show you what impact it
15 could have. White Earth Reservation isn't even on
16 here.

17 UNIDENTIFIED: It's a phony map.

18 UNIDENTIFIED: The Mississippi River.

19 MS. DAWN GOODWIN: Yes, the Mississippi
20 River. There's no bog areas. The bogs are our
21 biggest water filtration systems. You're going to
22 be going through all this area.

23 Something really raised in my mind as I
24 read this quote one day. And it said the further
25 man gets away from the earth, the harder their

1 hearts become. So I want you to think about that.
2 How close are you to the earth? Do you go out there
3 every day and thank the Creator for giving you the
4 earth? For giving you the wind and the air and the
5 sky and the sun and the moon? And the ground below
6 us where our food comes from, where our water comes
7 from? Do you do that? Do you thank earth? Earth
8 has become an object. It's not an object, it's life
9 giving.

10 MR. LARRY HARTMAN: Janell Saunders.

11 MS. JANELL SAUNDERS: My name is Janell
12 Saunders, that's J-A-N-E-L-L, Saunders,
13 S-A-U-N-D-E-R-S.

14 My husband and I own property where the
15 pipeline is going through. We own 60 acres on
16 County Road 109 just west of 110. We have a stock
17 pond that is approximately a couple hundred feet
18 from where the pipeline is going in. When we had
19 the stock pond put in, we went through the Soil
20 Conservation Service. We had to do that, and they
21 said this is where the stock pond was authorized --
22 we were authorized to dig. It is where the stock
23 pond had to go because of the water table and that's
24 where the best soil was.

25 And, let's see. Excuse me, I'm nervous.

1 It is the only water for the horses we
2 have on our property. Moving the stock pond is
3 really not an option. And when the work is being
4 done on your pipeline, the horses will not go there
5 because it'll be just too close to the work.
6 They'll be afraid and they won't go out there.

7 Also, when the pipeline -- when the work
8 is done, will you have a surveyor out there to
9 survey our property line again to make sure the
10 fence line gets in the correct place? We have
11 Potlatch on three sides of our property. I was
12 wondering why you can't use the area where the
13 existing pipelines are if you have to have the
14 pipeline.

15 And I was told that a full environmental
16 impact statement under the Environmental Policy Act
17 has not been done and I'd like to know why that is
18 and I would like to request that a full EIS be done,
19 please.

20 I would also like to request a time
21 extension. Some of my neighbors are not here at
22 this time of year and they deserve time to study and
23 review their options.

24 I have heard about your 2010 Kalamazoo
25 spill and I'd like to know what did you do to clean

1 up that spill and what is the impact on them. I
2 already know what the impact of a spill would do to
3 us, my husband and I. I also know over the past ten
4 years you've had over 800 oil spills. That would
5 devastate our lakes and forests around here. It
6 would destroy the livelihood of hundreds of people.

7 Thank you.

8 MR. LARRY HARTMAN: I'm not sure on the
9 first name, G-W-E, Gasco, G-A-S-C-O.

10 MR. GWE GASCO: Um, I'm just going to
11 talk about all my friends here at the Park Rapids
12 school that don't know what's going to happen to
13 their own land and their families. And I just
14 wanted to give kind of a perspective from my
15 generation. And, you know, maybe you guys don't
16 think about the future for me or my friends, but I
17 do. And this pipeline doesn't really look like it's
18 going to help me at all. That's pretty much it.

19 MR. LARRY HARTMAN: Thank you. William
20 Sayers, S-A-Y-E-R-S, III. Is Mr. Sayers here?

21 UNIDENTIFIED: Yeah, he's coming up. We
22 don't want him to miss school for nothing.

23 MR. LARRY HARTMAN: William Sayers.

24 MR. WILLIAM SAYERS, III: So my name is
25 William Sayers, S-A-Y-E-R-S.

1 I believe that this pipeline wouldn't
2 help us. It is affecting our land, our people, the
3 generations. My generation, think of the things
4 that it would do to our children, my grandchildren,
5 my great-grandchildren. These things that happen in
6 the future are going to affect us now.

7 I believe I'm speaking for my elders, the
8 people around me, the people I don't know.
9 Everybody around this region, it's affecting all of
10 us. The plants, our environment, you know, our
11 atmosphere, everything. In my eyes, the people
12 around me and my friends, they don't know these
13 things. They're not connected to what me and my
14 brother are. But that's it.

15 MR. LARRY HARTMAN: David Schornack,
16 S-C-H-O-R-N-A-C-K. Is David Schornack here?
17 S-C-H-O-R-N-A-C-K?

18 Mick Ryan. Mick Ryan?

19 Winona LaDuke.

20 MS. WINONA LADUKE: (Speaking in Ojibwe.)

21 I know that you don't understand that,
22 but there's a lot of people who do. I'm from this
23 land, we've lived here about 8,000, 9,000 years.
24 That's a lot longer than a 65-year-old corporation.

25 We have some experience. We know our

1 device, we know where our medicinal sites are, we
2 know where our sacred sites are, we know that this
3 water is our livelihood. Nothing of that is either
4 on that map or in your process. We are deeply
5 concerned about that.

6 We are very pleased to see that some of
7 our people came from the White Earth Reservation,
8 this is a hardship for us. You need to have a
9 meeting in Rice Lake on the White Earth Reservation,
10 the community you're proposing to most impact, and
11 the mother lode of our wild rice crop on our
12 reservation. If you choose to try to impact us, you
13 need to see our faces. You need to come and be
14 accountable to our community. That is how things
15 are done appropriately.

16 This whole area is our area. You need to
17 understand that. This is entirely our treaty rights
18 area. And we've already said that we expressed
19 great concern because in no way is this process, in
20 its short term of deliberation, going to have any
21 way to assess any potential impact.

22 All the people here feel very similar. I
23 did hear one exception, the guy that drives the bus.
24 I hope he has a good life driving the bus.

25 The rest of us know that this profits the

1 people at the beginning and the people at the end.
2 The rest of us bear the risk. We know that you have
3 spills. One spill is too much for us. That is what
4 everybody in this room has already told you. We
5 know that you have really fancy equipment. We know
6 that you have a thing called a pig, a pipeline
7 inspection gauge. We know also know that it took
8 you 17 hours to respond to the spill in Kalamazoo.
9 And that that spill was not found by you, but that
10 spill was found by someone who lived in the
11 community. So we are the first responders. And we
12 don't even have a right to respond here. That is a
13 little bit of a problem for all of us here.

14 I have to say honestly that I want to
15 believe in the system. I've tried everything in
16 this system. And we are involved in the PUC process
17 as intervenors. I'm the executive director of Honor
18 the Earth. But more importantly, I'm an Ojibwe. I
19 am from here. This is where my ancestors lived and
20 those two are my children. They have a right to
21 rice, they have a right to harvest medicines, they
22 have the right to live a life which is unencumbered
23 by your pollution for your profits. All of us do.
24 We have that same right.

25 I'm a little bit concerned about the

1 process. First, it is too short. Second, your
2 hearings and your open meetings, people could not
3 get here that worked. People could not get here who
4 didn't know about it because they didn't happen to
5 see the announcement. We are broadcasting this live
6 on the radio station on the reservation because
7 people are concerned. Most people don't even have
8 gas to get down here. So your process does not
9 allow for full participation by the people who are
10 in fact most impacted. That is a very big concern
11 to all of us.

12 In addition, I will point out that I
13 don't know if your system is biased or not. I want
14 to believe the system, as I said, but I've got a few
15 problems.

16 For instance, a question was asked by my
17 colleague, we are discussing a route in which you
18 have, from our understanding, already begun
19 purchasing easements. That seems, as some of the
20 others said, a little bit of the cart before the
21 horse. I actually drive a team and I wouldn't want
22 to run my life like that. Do not make us deliberate
23 a route that you have neither announced, but at the
24 same time you are in the process of going behind all
25 of our backs to pick people off one by one because

1 of the poverty of this area. That's not right.

2 I'm deeply concerned about the PUC
3 process as well. The studies indicate that in fact
4 pipelines are far more risky than anything that goes
5 on a railroad. That is the reality. So if it is
6 your opinion, sir, and you are reviewing the
7 process, we find it deeply of concern to us, that
8 you actually believe that that is true. 'Cause the
9 fact is is that I can watch a rail line.

10 Over the past decades, pipelines have
11 spilled 474,000 barrels of oil compared to 216,000
12 barrels spilled over the same time by railroads.
13 Pipelines are not safer. Unfortunately, Bakken just
14 blows up, because it's the stuff that should not be
15 in the pipeline, it should not be taken out of the
16 ground at all. You are asking us to bear the risk
17 of all that. That is not fair to the members of
18 this community.

19 We are intervening in this to be a part
20 of this as much as we can. We would ask the public
21 officials in the State of Minnesota to be
22 representing us. We actually want a fair process.
23 And we would like a full and inclusive process,
24 including, as the previous person asked for, an
25 environmental impact statement, because they are

1 required under federal law because it affects our
2 treaty rights. This is something that should not be
3 made in some back-door deals in a short process.
4 The future of our land and water is far too
5 important.

6 Thank you for your time.

7 MR. LARRY HARTMAN: We have about 15
8 minutes left. I'm going to call the people I called
9 on before who weren't here then, and then if they
10 aren't here, the stack of cards I have left is
11 people who have spoken in previous meetings. So I'd
12 like to call Richard Bogart again, if he's here?

13 David Schornack? Not here. Mick Ryan.

14 And I have five cards left. Mary, you
15 spoke for someone else before, did you want to speak
16 for yourself?

17 MS. MARY ADAMS: Really fast.

18 MR. LARRY HARTMAN: Please.

19 MS. MARY ADAMS: I was on my way here
20 this morning and I thought, well, what are you going
21 to say, I'm not going to say anything, I don't want
22 to speak. But I'm here and I have to say something.

23 To me, in a nutshell, it's about values
24 and it's about the future. Now, we have all heard,
25 you have heard volumes of people that have spoken

1 here today. The values of the love for the
2 wetlands, the love for the rice beds, the rivers,
3 the wildlife. This is beautiful. It's exquisite.
4 The values -- we value the people who come in here
5 in the summer and spend their money and we want to
6 keep them coming.

7 I'll be quick.

8 What about the future? I think when my
9 time comes to exit this world I want it to be said
10 I've done something good, I've done something not
11 only for the children, but the family I love, the
12 friends that I care for and love, the people I have
13 met. But I want it to be said that I have done
14 something better for this land or this wildlife or
15 this environment, because this is what counts, what
16 this earth is like when I leave it, not what this
17 earth is like now. What is it going to be in 50
18 years?

19 My time is up. Thanks for letting me
20 speak.

21 MR. LARRY HARTMAN: Thank you.

22 I have four cards left and they've all
23 spoken at previous meetings. So why don't I just
24 maybe call all of you up, you can sit or stand at
25 the table. And maybe you guys want to allocate the

1 time amongst yourselves. Marty, Willis, Michael,
2 and Doug. So why don't you guys decide how you want
3 to share your time.

4 MR. MARTY COBENAIS: Well, my name is
5 Marty Cobenais. I represent the indigenous people
6 of Bemidji, Minnesota.

7 I have been doing the -- working for the
8 last eight years doing pipeline work all across
9 American. Not only Alberta Clipper, but also
10 Keystone XL and TransCanada out in Montana. So I
11 know a few things about pipelines.

12 One of the first things I really wanted
13 to say is that, you know, the PUC decision back for
14 the Alberta Clipper was actually denied the first
15 time due to wild rice beds in Fond du Lac. 'Cause
16 the route was supposed to go to the south of the
17 reservation. And the flow of the water goes to the
18 north to the St. Louis River, so it was going to
19 affect the wild rice beds if there was ever a leak.
20 And lo and behold, the Sandpiper is supposed to go
21 the same route. So I urge this, the PUC and the
22 Department of Commerce, to not allow this route for
23 that reason.

24 But there's also other circumstances with
25 that. Last week I talked about that Enbridge talked

1 about their hydrogen sulfide levels, what they
2 consider safe, and in Reuters, oil shippers back
3 down from Bakken sulfide gas dispute, Enbridge. On
4 May 8th, Enbridge said that they wanted five parts
5 per million for sulfide gas to be in their
6 pipelines, saying that was safe for their employees.
7 And in the state of Minnesota, I'm going to add, for
8 sulfide levels in the Polymet mine is 10 percent or
9 10 parts per million. On May 17th, a week later,
10 Enbridge said that they would accept crude oil with
11 higher levels of potentially deadly sulfide gas with
12 advance notice. Those sulfide levels that they
13 found in some of the tanks in North Dakota were at
14 1200 parts per million. Safe for human people is up
15 to 200. Between 100 to 200 parts per million can
16 result in immediate death.

17 So, with that, the wild rice that we
18 have, in the sulfide mining industry says that they
19 can only go up to 10 percent. So why can pipelines
20 be able to go 20 times that amount and allow up to
21 200 parts per million? Something that I don't know
22 if you guys have really thought about, but that was
23 actually through your guys 'loading dock in North
24 Dakota that loads up the trains. If you guys didn't
25 know that, Enbridge loads trains over in North

1 Dakota too.

2 So part of what we have to really look
3 at, then, is when they sit and talk about the Bakken
4 oil fields, Bakken produces about a million barrels
5 per day. 61 percent of that goes by rail already,
6 loaded by Enbridge. So they're asking to put in a
7 brand new pipeline that's going to take out another
8 225,000, there you have another pipeline that
9 carries it, the North Dakota pipeline comes over to
10 Clearbrook already, and they also have another
11 pipeline that goes up to Canada that connects up to
12 the mainland. So why do we really need this
13 pipeline? That's actually over the one million
14 barrels per day that they're going to produce. So
15 there's really no need. I know that that's not the
16 issue here today, is the need, but it had to be
17 said.

18 UNIDENTIFIED: They don't need it.

19 MR. MARTY COBENAIS: Let's see here. One
20 of the other issues that I really quickly want to
21 say is that some people have talked about pipeline
22 techniques and safe techniques and everything else
23 like that. Pipelines, yes, they do have a smart
24 pig, it has its own faults even by the maker that
25 created it. John, from Michigan, has already said

1 that the smart pig has technical difficulties and is
2 not necessarily 100 percent. And, yes, they have to
3 run it through the pipelines once every two years by
4 federal standards. And Enbridge says that they do
5 it once every year for all their pipelines.

6 The question, or not really a question,
7 but part of that is that if they do find something
8 wrong in the pipeline, like a rust spot or something
9 like that, there's no guidelines that tell them how
10 fast they have to go to fix that. Which is what
11 happened in Deer River a couple years ago. They did
12 the smart pig, nine months later they found a
13 half-inch crack, not discovered by the technology of
14 pipeline monitoring, but by forest fire fires,
15 because there was a forest fire and that went up in
16 flames.

17 So we obviously have seen the technology
18 to say leak detection systems work, is what they
19 say. In reality, leak detections don't work with
20 small leaks. Deer River was a half-inch crack in
21 that pipeline.

22 So the other thing, and I'm going to get
23 off here real quick, but Park Rapids people, right
24 now they're coming through you with Sandpiper.
25 Another six months or so they're going to be coming

1 back here for line 3. They've already announced,
2 the company yesterday, that they're coming south in
3 the ground and coming south. So you landowners are
4 going to have to deal with another easement. White
5 Earth, you're going to have to deal with another
6 pipeline which is going to be carrying tar sands
7 oil.

8 What they want to do, what they're trying
9 to say with this is that they don't need to go
10 through a presidential permit also because it's a
11 replacement line, where in reality and integral to
12 it is it's increasing pressure and an entirely new
13 route. So this is just a fair warning for all of
14 you in this community. They are coming back.

15 I did talk to Mr. Bachman (phonetic)
16 around here earlier and, yes, they are purchasing
17 land. They're threatening landowners already.
18 Telling them they have 60 days to sign an easement
19 or they will get substantially less money. So those
20 things are already happening. They will come back
21 and threaten eminent domain and those type of
22 things. And in fighting the pipelines, the
23 Republicans, we think about the Tea Party as extreme
24 right Republicans. They want the XL pipeline
25 because of eminent domain rights.

1 So this is -- this is amazing that they
2 come here and ask you guys for all this information
3 when they already have the route picked out.
4 They're not going to go through -- they expect you
5 guys to say, okay, we're going to take your money.
6 And reality is, you guys can still say no. Land
7 owners, you can still say no. You can tell them
8 you're not allowed on our land to survey the land.
9 Landowners, get a group together. Stand together.
10 Be friends with each other. Stand up and say no.

11 Thank you.

12 MR. WILLIS MATTISON: I'll try and be
13 brief. My name is Willis Mattison, M-A-T-T-I-S-O-N.

14 I would like the comments that I wanted
15 to make on technical issues and to the point of the
16 meeting in terms of environmental review and aspects
17 that I wanted to include, but time has precluded
18 that and I will submit those in writing.

19 But I think that the record needs to show
20 that, once again, the Department of Commerce has
21 expressly said that you would not play an advocacy
22 role. That's extremely disappointing because the
23 public, the people of Minnesota, expect the Public
24 Utilities Commission to advocate for full disclosure
25 of information. Instead, you have used your

1 authority and role here to block a group of
2 citizens, Friends of the Headwaters, who have
3 stepped up and were going to be the advocates for
4 the citizens to know more information than just that
5 which Enbridge would have the community know.

6 Their maps, as it's been pointed out, are
7 woefully inadequate in their representation of the
8 resources at stake. Our group wanted to put
9 together alternate maps that did show many of these
10 resources in graphic form. It's very difficult for
11 me or the previous people who testified, especially
12 Bob Merritt had especially good photographs, I'll
13 hold one up here, which would graphically
14 demonstrate some of the numbers and spatial
15 relationships of wells to the pipeline. We wanted
16 to put this on a poster and put it on the board
17 inside the room for other people to see, yet your
18 staff prohibited our ability to do that. I'm
19 ashamed of my state government. You should be
20 standing here supporting the citizens' right to
21 congregate and to show the misleading, inaccurate,
22 and incomplete information that this pipeline is
23 putting before us.

24 UNIDENTIFIED: Hear, hear.

25 MR. WILLIS MATTISON: Mr. Hartman, if

1 you're going to bend over backward one way or the
2 other, please bend over backward in favor of more
3 information, not less. When we want to put displays
4 in the room that will increase people's ability to
5 fully understand, ask more questions, support
6 broader environmental impact statements, that's
7 important. We want you to allow them to see why
8 many people are requesting that, in order to
9 understand the full scope of what you're asking to
10 be allowed this company over here, represented by a
11 virtual platoon of experts. Our organization tried
12 to pull together a ragtag group of engineers, of
13 surveyors, hydrologists, and this kind of thing, and
14 bring forth a little bit of information.

15 Your attorney confronted me at the
16 meeting in Crookston and told me not to display what
17 I had there. After that, you apparently twisted
18 tails and put pressure, political pressure on this
19 organization here, they yielded to you. What is it
20 that you think we have in terms of new information
21 that you're so afraid of? How small are you that
22 you stand in our way to contradict or to complete
23 the kind of information that these people need to
24 know in order to understand what you're asking them
25 to trade?

1 We know, because of the Bristol Bay
2 environmental impact statement, one that was done
3 completely, I will leave a copy of the probability
4 of leak assessment that was done on the pipelines
5 supplying that line in Alaska. They've concluded it
6 was a virtual certainty over the life of the
7 pipeline that there would be a major release. You
8 put up a 99.9993 percent safety record, which is
9 misleading. It's accurate and you have a right to
10 say it, but we also have a right to say when you
11 look on the other side of that coin it actually
12 guarantees a release.

13 Are you afraid of us telling the public
14 that, that you would lobby and actually win over
15 this department and prohibit us from putting that
16 kind of material in front? Why don't you stand up
17 and tell them it's okay? Tell them it's okay for us
18 to set up our display and that we will stand and
19 debate you toe-to-toe. We will stand against your
20 attorney. We will stand against your engineer. We
21 will stand against your environmental officer. And
22 we'll offer our numbers and you tell us our numbers
23 are wrong. If we are, we will admit it. But don't
24 be so afraid of us that you won't let us put our
25 numbers in front of you.

1 MR. MICHAEL DAHL: Well, Larry?

2 MR. LARRY HARTMAN: We have two left,
3 Michael and Doug.

4 MR. MICHAEL DAHL: Hi, my name is Michael
5 Dahl. (Speaking in Ojibwe.)

6 I will speak English again. You know who
7 I am by now. And like I said last week, by the end
8 of this, just like I can recite your little proposal
9 and your presentation, you will be able to introduce
10 me in Ojibwe by the time we get done with all of
11 this.

12 What I said differently this time is
13 because I actually had written down, as per Larry's
14 request, an official comment. And oddly enough, it
15 was based on my opposition to this routing process.
16 Based on a number of questions that I asked during
17 the Crookston, McIntosh, and Clearbrook meetings,
18 I've asked a number of questions, none of which were
19 answered. None of which were answered directly.
20 Which yet again here today, from the people of Park
21 Rapids and my own reserve, who got up here and sat
22 down here and they asked the questions that I had,
23 even after I read the things that you asked me to
24 read. I read that 150-page document. I read all of
25 these things.

1 But the fact of the matter is, is that
2 my -- my actual written comments has been covered by
3 my relatives here today. And the thing that I want
4 to add to that is that our opposition to this, yes,
5 there are current pipelines; yes, I drove a vehicle
6 here; yes, I have a cell phone; yes, I have plastic
7 and rubber items in my home, all petroleum based.

8 But you know what is in my house that is
9 not petroleum based? Me, my children, my
10 grandchildren. Yes, I have grandchildren. Who else
11 isn't petroleum based? You. You are not petroleum
12 based. And, quite frankly, as hard as I tried, I
13 tried so hard with you guys not to be personal. I
14 tried so hard, but I can't do it. It is not in my
15 being to not be personal when you are threatening
16 the very thing that has kept our people alive for
17 thousands of years. We were told to come this way.
18 To the rice. To the manoomin. That's where we were
19 told to come. Well over 100,000 pounds of finished
20 wild rice. That's documented wild rice. That's not
21 counting what these two men, father and son,
22 together rice. That's not documented. Well over
23 1,000 pounds just between them. The rice that my
24 family rices, that's just off of one lake.

25 I'm asking again, when an EIS is done,

1 because more than enough people have asked for an
2 environmental impact statement. I want to see, we
3 want to see how much rice are you going to go near?
4 And when I say near, I don't mean five, ten miles.
5 I mean within miles. I mean within that, all of
6 that, where are you going to go by, how much rice,
7 the state grain of Minnesota? How many red pine
8 trees, Norway pine trees are you going to go by, the
9 state tree of Minnesota? One of our medicines. How
10 many lady's slippers are you going to go by, the
11 state flower of Minnesota? One of our greatest
12 medicines for depression. And 95 percent of our
13 depression is caused by (Ojibwe), the original
14 immigrants. And here you come again. And how dare
15 you. How dare you roll your eyes at my nephew, how
16 dare you giggle at my nephew who comes up here and
17 question his credibility because his pants hang a
18 little bit. Like my pants. We don't have a butt,
19 that's why our pants sag. I'm offended, I am
20 appalled, and you have made it a personal thing now
21 because you are threatening my people and our
22 friends.

23 The difference between the years of the
24 Sandpiper -- of the Alberta Clipper and all the
25 other lines that have been run through here and now

1 is two things. One, we didn't know then what we
2 know now. Because we took responsibility of finding
3 the risk that you refused to tell us. You didn't
4 tell us the risk. I asked what is .0007 percent
5 nonsafe. I still have yet to see that answered when
6 you promised, Mark, I will get that answer for you.
7 You said I will do it.

8 The other thing that's different between
9 then and now is you guys are witnessing history.
10 You are witnessing history. Never in my lifetime or
11 any of my grandparents' lifetimes have Anishinabe
12 and Zhaagnaash stood together. Never have they sat
13 together. We have had enough. We have had enough.

14 Because, yes, I bought my petroleum based
15 gas off of money I had to borrow to get over here
16 and to follow you to Pine River and to follow you to
17 McGregor where more of my relatives will be. We're
18 the nice ones. Prepare yourself.

19 I've had enough. Because the fact is
20 that the gas was 3.59 to get to Park Rapids, I had
21 to get gas in Pine Point on my reserve where it's
22 another 10 cents more expensive. So what is the
23 benefit that we get? You have all these lists of
24 benefits, but what do I get? What do these people
25 get? We get a money settlement that's all going to

1 be gone long before even you're gone. Long before.
2 And what is that going to leave for anybody?

3 I've sat and watched you guys for months
4 now, for months now, and I even do express, and I
5 really mean it, it's nice to see you, because that's
6 why I don't have an alternative route. I will not
7 propose an alternative route. Because although I do
8 not like your tactics, I still have concern for you.
9 I still have concern for your safety, for your
10 grandchildren.

11 Our wild rice is our life. I've told you
12 before, it's not just a holiday dinner. It's not
13 just a casserole that we have when we have special
14 company. That's our life. And I want to ensure
15 that seven generations from now, that my great,
16 great-great-grandchildren will be able to provide
17 that casserole for your great-great-grandchildren.

18 I am in opposition to this. I am asking,
19 I am asking, I want to see that number, you promised
20 me. I will get that number for you, Michael. You
21 even referred to me by name. I will get it for you.
22 That was months ago. I want those numbers.

23 I will not provide an alternative route.
24 I won't. There isn't one. There isn't an
25 acceptable one. Find another way. Find another

1 way. You guys can make \$48 billion a year, billions
2 of dollars a year you make. You can't spend a
3 little bit of money and try and invest in finding
4 alternative routes and be the first company that
5 really invests in the future of this country?

6 We can make solar panels. We can make
7 cars that aren't reliant on gas. We can do that.
8 Change your mind. Quit trying to change ours. And
9 maybe, just maybe back there, the guy in the cowboy
10 hat -- it's good to see you too. You've got nice
11 boots, by the way. He's the bigwig from Superior,
12 one of the bigwigs, okay. And you people here,
13 thank you to all of you's.

14 I'm only 38, I'm in the 39th month, this
15 is the month of my birthday. And what a blessing I
16 was born and raised in this area. It was not safe
17 for me to walk around sometimes in this area as an
18 Indian boy. Never in my life did I ever think that
19 I would see nonnative people stand up and back us
20 up. Thank you. Thank you.

21 That's all I have to say at this time.
22 I'll try not to take up any more time. But, you
23 know, McGregor, my relatives will be there. That's
24 East Lake, that's the second best rice in this
25 world, East Lake. Be prepared. Be prepared.

1 MR. LARRY HARTMAN: Doug, did you want to
2 say anything? Okay, thank you.

3 With that the meeting will conclude.
4 We'll be here for a little while longer if you have
5 any questions of me, Enbridge will be here also.
6 I'd like to thank you for taking time out of your
7 busy schedule to attend. We do appreciate it. The
8 oral reports will be posted on our website and
9 eDockets also, so please take the time to review
10 them if you so choose to.

11 Again, thank you for attending.

12 (Meeting concluded at 3:14 p.m.)
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